

# EXHIBIT F



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## FIRM PROFILE

Kessler Topaz Meltzer & Check, LLP is one of the largest law firms in the world specializing in the prosecution of complex litigation on a contingent basis. Since the Firm's founding in 1987, Kessler Topaz has developed a global reputation for excellence in the areas of shareholder, ERISA, consumer protection & antitrust, fiduciary and intellectual property litigation. With a team of highly skilled attorneys and an experienced support staff, the Firm has been entrusted to lead some of the most important actions being litigated in our field today. Kessler Topaz proudly notes that it has recovered billions of dollars on behalf of its clients and is poised to continue protecting rights worldwide.

Kessler Topaz is one of the leading securities class action litigation firms in the country. The Firm's securities litigation practice focuses on the prosecution of securities fraud claims brought against public companies as well as their officers, directors, and advisors. With a large and sophisticated client base — including public and Taft-Hartley pension funds, mutual fund managers, investment advisors, insurance companies, hedge funds and other large investors from around the world — Kessler Topaz has been at the forefront of successfully representing investors, and in particular, institutional investors, as plaintiffs in various types of securities actions. Our Securities Litigation Department is currently prosecuting numerous high-profile class actions against a variety of defendants around the globe.

## NOTEWORTHY ACHIEVEMENTS

*During the Firm's successful history, Kessler Topaz has recovered billions of dollars for defrauded stockholders and consumers. The following are among the Firm's notable achievements:*

### Securities Fraud Litigation

***In re Tyco International, Ltd. Sec. Litig., No. 02-1335-B (D.N.H. 2002):***

Kessler Topaz, which served as Co-Lead Counsel in this highly publicized securities fraud class action on behalf of a group of institutional investors, achieved a record \$3.2 billion settlement with Tyco International, Ltd. ("Tyco") and their auditor PricewaterhouseCoopers, LLP ("PwC"). The \$2.975 billion settlement with Tyco represents the single-largest securities class action recovery from a single corporate defendant in history. In addition, the \$225

million settlement with PwC represents the largest payment PwC has ever paid to resolve a securities class action and is the second-largest auditor settlement in securities class action history.

As presiding Judge Paul Barbadoro aptly stated in his Order approving the final settlement, “[i]t is difficult to overstate the complexity of [the litigation].” Judge Barbadoro noted the extraordinary effort required to pursue the litigation towards its successful conclusion, which included the review of more than 82.5 million pages of documents, more than 220 depositions and over seven hundred discovery requests and responses. In addition to the complexity of the litigation, Judge Barbadoro also highlighted the great risk undertaken by Co-Lead Counsel in pursuit of the litigation, which he indicated was greater than in other multi-billion dollar securities cases and “put [Plaintiffs] at the cutting edge of a rapidly changing area of law.”

In sum, the Tyco settlement is of historic proportions for the investors who suffered significant financial losses and it has sent a strong message to those who would try to engage in this type of misconduct in the future.

***In re Tenet Healthcare Corp. Sec. Litig., No. CV-02-8462-RSWL (Rx) (C.D. Cal. 2002):***

Kessler Topaz serves as Co-Lead Counsel in this action. A partial settlement was approved on May 26, 2006. The partial settlement was comprised of three distinct elements, including a substantial monetary commitment by the company in the amount of \$215 million, personal contributions by two of the individual defendants totaling \$1.5 million and the enactment and/or continuation of numerous changes to the company’s corporate governance practices, which have led various institutional rating entities to rank Tenet among the best in the U.S. in regards to corporate governance. The significance of the partial settlement was heightened by Tenet’s precarious financial condition. Faced with many financial pressures — including several pending civil actions and federal investigations, with total contingent liabilities in the hundreds of millions of dollars — counsel was concerned that Tenet would be unable to fund a settlement or satisfy a judgment of any greater amount in the near future. By reaching the partial settlement, Kessler Topaz, on behalf of the Plaintiffs’ class, was able to avoid the risks associated with a long and costly litigation battle and provide a significant and immediate benefit to the class. Kessler Topaz also obtained a rarity in securities class action litigation — personal financial contributions from individual defendants. Following the partial settlement with the Tenet defendants, Kessler Topaz actively litigated the case against Tenet’s external auditor, KPMG. After more than two years of hard-fought litigation, including dispositive motion practice and merits and expert discovery, Kessler Topaz, on behalf of the Plaintiffs’ class, settled the matter against KPMG for \$65 million. Kessler Topaz is very pleased with the result as it stands, as one of the largest recoveries against an auditor in U.S. history.

***In re Brocade Sec. Litig., Case No. 3:05-CV-2042 (N.D. Cal. 2005):***

This \$160 million recovery on behalf of investors was initiated to remedy the company’s violations of federal securities laws by backdating options grants to top executives which ultimately caused the company to restate all of its financial statements from 2000 to 2005.

***In re Satyam Computer Services, Ltd. Sec. Litig., Case No. 1:09-MD-2027 (S.D.N.Y. 2009):***

This \$150.5 million settlement on behalf of investors brought to a close allegations that the company harmed investors by making falsifications resulting in the overstatement of numerous financial indicators including company profits, cash flows, cash position, bank balances and related balance sheet data. The settlement included a \$25.5 million recovery from the company’s outside auditors, in addition to the ability to recover from Satyam’s former officers and directors, as well as a 25% share of any recovery that Satyam achieves against its auditors.

***In re BankAtlantic Bancorp, Inc. Sec. Litig., Case No. 07-CV-61542 (S.D. Fla. 2007):***

On November 18, 2010, a panel of nine Miami, Florida jurors returned the first securities fraud verdict to arise out of the financial crisis against BankAtlantic Bancorp, Inc., its chief executive officer and chief financial officer. This case was just the tenth securities class action to be tried to a verdict following the passage of the Private Securities Litigation Reform Act of 1995. Following a four-week trial, the jury spent almost four days deliberating before rendering its decisive verdict. Perhaps the most significant development in this case was the Court’s pre-trial ruling granting partial summary judgment for Plaintiffs on the issue of objective falsity. U.S. District Judge Ursula Ungaro ruled as a matter of law that four statements made by BankAtlantic’s CEO, Alan Levan, during a July 2007 earnings call with investors concerning the quality of the Fort Lauderdale bank’s commercial real estate loan portfolio were false and misleading. Summary judgment rulings in favor of plaintiffs are exceptionally rare in securities fraud actions, but it did not deter the Defendants from taking the case to trial.

Following the close of the trial, the jury found that an additional four statements made by Levan and BankAtlantic's CFO, Valerie Toolson, concerning the real estate loan portfolio were also false and misleading. The jury found that both officers "knowingly" made these false statements to investors. The jury ultimately determined that investors who purchased BankAtlantic securities between April 26, 2007 and October 25, 2007 paid in excess of \$2.41 per share as a result of the Defendants' false and misleading statements that inflated the stock price. Following extensive post-trial motion practice, the district court upheld all of the jury's findings of fraud but vacated the damages award on a narrow legal issue. The Firm looks forward to a favorable review of that issue by the appellate court.

***In re AremisSoft Corp. Sec. Litig., C.A. No. 01-CV-2486 (D.N.J. 2002):***

Kessler Topaz is particularly proud of the results achieved before the Honorable Joel A. Pisano in this case. This case was exceedingly complicated, as it involved the embezzlement of hundreds of millions of dollars by former officers of the Company, some of whom are now fugitives. In settling the action, Kessler Topaz, as sole Lead Counsel, assisted in reorganizing AremisSoft as a new Company which allowed for it to continue operations, while successfully separating out the securities fraud claims and the bankrupt Company's claims into a litigation trust. Pursuant to the Settlement, the litigation trust has distributed more than 16 million shares of the reorganized Company to members of the class. The Court-appointed co-trustees, Joseph P. LaSala, Esq. and Fred S. Zeidman, retained Kessler Topaz to continue prosecuting the actions on behalf of the litigation trust. After extensive litigation in the Isle of Man, including the successful freezing of more than \$200 million of stolen funds, the trust settled its action against one of the principal wrongdoers and recovered approximately \$200 million. Thus far, the trust has distributed to beneficiaries of the trust more than 28% of their recognized losses (excluding the value of the equity of the new Company), and is poised to recover even more. Recently, the trust commenced further litigation in Cyprus, where it obtained a Mareva injunction and interim ancillary relief against various bank accounts and assets owned and/or controlled by the other principal wrongdoer.

***In re CVS Corporation Sec. Litig., C.A. No. 01-11464 JLT (D.Mass. 2001):***

After more than three years of contentious litigation and a series of protracted mediation sessions, Kessler Topaz, serving as Co-Lead Counsel, secured a \$110 million recovery for class members in the CVS Sec. Litig. Specifically, the suit alleged that CVS violated accounting practices by delaying discounts on merchandise in an effort to prop up its earnings. In addition, the suit charged that in 2001 the Company and its Chief Executive Officer, Thomas M. Ryan, improperly delayed announcement of its intention to close approximately 200 underperforming stores, and that an industry-wide pharmacist shortage would have a materially negative impact on the Company's performance. Settlement was reached just days prior to the commencement of trial, and shortly after the district court had denied the defendants' motions for summary judgment. This substantial recovery represents the third-largest settlement in a securities class action case in the First Circuit.

***In re Delphi Corp. Sec. Litig., Master File No. 1:05-MD-1725 (E.D. Mich. 2005):***

In early 2005, various securities class actions were filed against auto-parts manufacturer Delphi Corporation in the Southern District of New York. Kessler Topaz its client, Austria-based mutual fund manager Raiffeisen Kapitalanlage-Gesellschaft m.b.H. ("Raiffeisen"), were appointed as Co-Lead Counsel and Co-Lead Plaintiff, respectively. The Lead Plaintiffs alleged that (i) Delphi improperly treated financing transactions involving inventory as sales and disposition of inventory; (ii) improperly treated financing transactions involving "indirect materials" as sales of these materials; and (iii) improperly accounted for payments made to and credits received from General Motors as warranty settlements and obligations. As a result, Delphi's reported revenue, net income and financial results were materially overstated, prompting Delphi to restate its earnings for the five previous years. Complex litigation involving difficult bankruptcy issues has potentially resulted in an excellent recovery for the class. In addition, Co-Lead Plaintiffs also reached a settlement of claims against Delphi's outside auditor, Deloitte & Touche, LLP, for \$38.25 million on behalf of Delphi investors.

***In re Royal Dutch Shell European Shareholder Litigation, No. 106.010.887, Gerechtshof Te Amsterdam (Amsterdam Court of Appeal):***

Kessler Topaz was instrumental in achieving a landmark settlement worth at least \$352million in cash on behalf of non-US investors with Royal Dutch Shell plc relating to Shell's 2004 restatement of oil reserves. This settlement of securities fraud claims on a class-wide basis under Dutch law was the first of its kind, and sought to resolve claims exclusively on behalf of European and other non-United States investors. Uncertainty over whether jurisdiction for non-United States investors existed in a 2004 class action filed in federal court in New Jersey prompted a significant

number of prominent European institutional investors from nine countries, representing more than one billion shares of Shell, to actively pursue a potential resolution of their claims outside the United States. Among the European investors which actively sought and supported this settlement were Alecta pensionsförsäkring, ömsesidigt, PKA Pension Funds Administration Ltd., Swedbank Robur Fonder AB, AP7 and AFA Insurance, all of which were represented by Kessler Topaz. This settlement was approved by Order dated 6/26/08.

***In re The Interpublic Group of Companies Sec. Litig., No. 02 Civ. 6527 (S.D.N.Y. 2002):***

Kessler Topaz served as sole Lead Counsel in this action on behalf of an institutional investor and received final approval of a settlement consisting of \$20 million in cash and 6,551,725 shares of IPG common stock. As of the final hearing in the case, the stock had an approximate value of \$87 million, resulting in a total settlement value of approximately \$107 million. In granting its approval, the Court praised Kessler Topaz for acting responsibly and noted the Firm's professionalism, competence and contribution to achieving such a favorable result.

***In re Digital Lightwave, Inc. Sec. Litig., Consolidated Case No. 98-152-CIV-T-24E (M.D. Fla. 1999):***

The firm served as Co-Lead Counsel in one of the nation's most successful securities class actions in history measured by the percentage of damages recovered. After extensive litigation and negotiations, a settlement consisting primarily of stock was worth over \$170 million at the time when it was distributed to the Class. Kessler Topaz took on the primary role in negotiating the terms of the equity component, insisting that the class have the right to share in any upward appreciation in the value of the stock after the settlement was reached. This recovery represented an astounding approximately two hundred percent (200%) of class members' losses.

***In re Transkaryotic Therapies, Inc. Sec. Litig., Civil Action No.: 03-10165-RWZ (D. Mass. 2003):***

After five years of hard-fought, contentious litigation, Kessler Topaz as Lead Counsel on behalf of the Class, entered into one of largest settlements ever against a biotech company with regard to non-approval of one of its drugs by the U.S. Food and Drug Administration ("FDA"). Specifically, the Plaintiffs alleged that Transkaryotic Therapies, Inc. ("TKT") and its CEO, Richard Selden, engaged in a fraudulent scheme to artificially inflate the price of TKT common stock and to deceive Class Members by making misrepresentations and nondisclosures of material facts concerning TKT's prospects for FDA approval of Replagal, TKT's experimental enzyme replacement therapy for Fabry disease. With the assistance of the Honorable Daniel Weinstein, a retired state court judge from California, Kessler Topaz secured a \$50 million settlement from the Defendants during a complex and arduous mediation.

***In re PNC Financial Services Group, Inc. Sec. Litig., Case No. 02-CV-271 (W.D. Pa. 2002):***

Kessler Topaz served as Co-Lead Counsel in a securities class action case brought against PNC bank, certain of its officers and directors and its outside auditor, Ernst & Young, LLP ("E&Y"), relating to the conduct of defendants in establishing, accounting for and making disclosures concerning three special purpose entities ("SPEs") in the second, third and fourth quarters of PNC's 2001 fiscal year. Plaintiffs alleged that these entities were created by defendants for the sole purpose of allowing PNC to secretly transfer hundreds of millions of dollars worth of non-performing assets from its own books to the books of the SPEs without disclosing the transfers or consolidating the results and then making positive announcements to the public concerning the bank's performance with respect to its non-performing assets. Kessler Topaz was instrumental in obtaining a \$30 million recovery for class members from PNC and the assignment of certain claims it may have had against its audit and other third party law firms and insurance companies. An additional \$6.6 million was recovered from the insurance company and the law firms and an agreement in principle was reached with the audit to resolve all claims for another \$9.075 million, providing for a total recovery from the Sec. Litig. of \$45.675. When coupled with the \$156 million restitution fund established through government actions against some of the same defendants and third parties, the total recovery for class members exceeds \$200 million, which was distributed with PNC paying all costs associated with notifying the Class of the settlement.

***In re Liberate Technologies Sec. Litig., No. C-02-5017 (MJJ) (N.D. Cal. 2005):***

Plaintiffs alleged that Liberate engaged in fraudulent revenue recognition practices to artificially inflate the price of its stock, ultimately forcing it to restate its earning. As sole Lead Counsel, Kessler Topaz successfully negotiated a \$13.8 million settlement, which represents almost 40% of the damages suffered by the class. In approving the settlement, the district court complimented Lead Counsel for its "extremely credible and competent job."

***In re Riverstone Networks, Inc. Sec. Litig., Case No. CV-02-3581 (N.D. Cal. 2002):***

Kessler Topaz served as Lead Counsel on behalf of plaintiffs alleging that Riverstone and certain of its officers and directors sought to create the impression that the Company, despite the industry-wide downturn in the telecom sector, had the ability to prosper and succeed and was actually prospering. In that regard, plaintiffs alleged that defendants issued a series of false and misleading statements concerning the Company's financial condition, sales and prospects, and used inside information to personally profit. After extensive litigation, the parties entered into formal mediation with the Honorable Charles Legge (Ret.). Following five months of extensive mediation, the parties reached a settlement of \$18.5 million.

***In re Computer Associates Sec. Litig.*, No. 02-CV-1226 (E.D.N.Y. 2002):**

Kessler Topaz served as Co-Lead Counsel on behalf of plaintiffs, alleging that Computer Associates and certain of its officers misrepresented the health of the company's business, materially overstated the company's revenues, and engaged in illegal insider selling. After nearly two years of litigation, Kessler Topaz helped obtain a settlement of \$150 million in cash and stock from the company.

***Kaltman, et. al. v Key Energy Services, Inc., et. al.*, No. 04-CV-082-RAJ (W.D. Tex. 2004):**

Kessler Topaz served as sole Lead Counsel on behalf of plaintiffs, alleging that Key Energy, as well as certain of its officers and directors, had made materially false and misleading statements in the company's public filings and press releases relating to its financial results, particularly its net income and fixed asset records. After nearly four years of litigation, Kessler Topaz secured a settlement of \$15.425 million.

## **Shareholder Derivative Actions**

***In re Comverse Technology, Inc. Derivative Litigation*, 601272/2006 (Supreme Court, NY 2006):**

Kessler Topaz attorneys negotiated a settlement that required the Company's founder/Chairman/CEO and other executives to disgorge more than \$62 million in ill-gotten gains from backdated stock options back to the Company and overhauled the Company's corporate governance and internal controls, including replacing a number of members on the board of directors and corporate executives, splitting the Chairman and CEO positions, and instituting majority voting for directors.

***Wanstrath v. Doctor R. Crants, et. al. Shareholders Litigation*, No. 99-1719-111 (Tenn. Chan. Ct., 20th Judicial District, 1999):**

Kessler Topaz served as Lead Counsel in a derivative action filed against the officers and directors of Prison Realty Trust, Inc., challenging the transfer of assets from the Company to a private entity owned by several of the Company's top insiders. Numerous federal securities class actions were pending against the Company at this time. Through the derivative litigation, the Company's top management was ousted, the composition of the Board of Directors was significantly improved, and important corporate governance provisions were put in place to prevent future abuse. Kessler Topaz, in addition to achieving these desirable results, was able to effectuate a global settlement of all pending litigation against the backdrop of an almost certain bankruptcy. The case was resolved in conjunction with the federal securities cases for the payment of approximately \$50 million by the Company's insurers and the issuance of over 46 million shares to the class members.

***In re Viacom, Inc. Shareholder Derivative Litig.*, Index No. 602527/05 (New York County, NY 2005):**

Kessler Topaz represented the Public Employees Retirement System of Mississippi and served as lead counsel in a derivative action alleging that the members of the Board of Directors of Viacom, Inc. paid excessive and unwarranted compensation to Viacom's Executive Chairman and CEO, Sumner M. Redstone, and co-COOs Thomas E. Freston and Leslie Moonves, in breach of their fiduciary duties. Specifically, Kessler Topaz alleged that in fiscal year 2004, when Viacom reported a record net loss of \$17.46 billion, the board improperly approved compensation payments to Redstone, Freston, and Moonves of approximately \$56 million, \$52million, and \$52million, respectively. Judge Ramos of the New York Supreme Court denied Defendants' motion to dismiss the action as Kessler Topaz overcame several complex arguments related to the failure to make a demand on Viacom's Board; Defendants then appealed that decision to the Appellate Division of the Supreme Court of New York. Prior to a decision by the appellate court, a settlement was reached in early 2007. Pursuant to the settlement, Sumner Redstone, the company's Executive Chairman and controlling shareholder, agreed to a new compensation package

that, among other things, substantially reduces his annual salary and cash bonus, and ties the majority of his incentive compensation directly to shareholder returns.

***In re Family Dollar Stores, Inc. Derivative Litig., Master File No. 06-CVS-16796 (Mecklenburg County, NC 2006):***

Kessler Topaz served as Lead Counsel, derivatively on behalf of Family Dollar Stores, Inc., and against certain of Family Dollar's current and former officers and directors. The actions were pending in Mecklenburg County Superior Court, Charlotte, North Carolina, and alleged that certain of the company's officers and directors had improperly backdated stock options to achieve favorable exercise prices in violation of shareholder-approved stock option plans. As a result of these shareholder derivative actions, Kessler Topaz was able to achieve substantial relief for Family Dollar and its shareholders. Through Kessler Topaz's litigation of this action, Family Dollar agreed to cancel hundreds of thousands of stock options granted to certain current and former officers, resulting in a seven-figure net financial benefit for the company. In addition, Family Dollar has agreed to, among other things: implement internal controls and granting procedures that are designed to ensure that all stock options are properly dated and accounted for; appoint two new independent directors to the board of directors; maintain a board composition of at least 75 percent independent directors; and adopt stringent officer stock-ownership policies to further align the interests of officers with those of Family Dollar shareholders. The settlement was approved by Order of the Court on August 13, 2007.

***In re Barnes & Noble, Inc. Derivative Litig., Index No. 06602389 (New York County, NY 2006):***

Kessler Topaz served as Lead Counsel, derivatively on behalf of Barnes & Noble, Inc., and against certain of Barnes & Noble's current and former officers and directors. This action was pending in the Supreme Court of New York, and alleged that certain of the company's officers and directors had improperly backdated stock options to achieve favorable exercise prices in violation of shareholder-approved stock option plans. As a result of this shareholder derivative action, Kessler Topaz was able to achieve substantial relief for Barnes & Noble and its shareholders. Through Kessler Topaz's litigation of this action, Barnes & Noble agreed to re-price approximately \$2.64 million unexercised stock options that were alleged improperly granted, and certain defendants agreed to voluntarily repay approximately \$1.98 million to the Company for the proceeds they received through exercise of alleged improperly priced stock options. Furthermore, Barnes & Noble has agreed to, among other things: adopt internal controls and granting procedures that are designed to ensure that all stock options are properly dated and accounted for; at least once per calendar year, preset a schedule of dates on which stock options will be granted to new employees or to groups of twenty (20) or more employees; make final determinations regarding stock options at duly-convened committee meetings; and designate one or more specific officer(s) within the Company who will be responsible for, among other things, compliance with the Company's stock option plans. The settlement was approved by Order of the Court on November 14, 2007.

***In re Sepracor, Inc. Derivative Litig., Case No. 06-4057-BLS (Suffolk County, MA 2006):***

Kessler Topaz served as Lead Counsel, derivatively on behalf of Sepracor, Inc., and against certain of Sepracor's current and former officers and directors. This action was pending in the Superior Court of Suffolk County, Massachusetts, and alleged that certain of the company's officers and directors had improperly backdated stock options to achieve favorable exercise prices in violation of shareholder-approved stock option plans. As a result of this shareholder derivative action, Kessler Topaz was able to achieve substantial relief for Sepracor and its shareholders. Through Kessler Topaz's litigation of this action, Sepracor agreed to cancel or re-price more than 2.7 million unexercised stock options that were alleged to have been improperly granted. Furthermore, Sepracor has agreed to, among other things: adopt internal controls and granting procedures that are designed to ensure that all stock options are properly dated and accounted for; not alter the exercise prices of stock options without shareholder approval; hire an employee responsible for ensuring that the Company's complies with its stock option plans; and appoint a director of internal auditing. The settlement was approved by Order of the Court on January 4, 2008.

***In re Monster Worldwide, Inc. Stock Option Derivative Litigation, 06-108700 (Supreme Court of NY, NY County):***

This derivative litigation resulted in the recipients of backdated stock options being forced to disgorge more than \$32 million in unlawful gains back to the Company plus the implementation of significant corporate governance measures. In approving the settlement, the court noted "the good results, mainly the amount of money for the shareholders and also the change in governance of the company itself, and really the hard work that had to go into that to achieve the results. . . ."



***Denbury Resources, Inc. Shareholder Litigation, 2008-CP-23-8395 (Greenville County, SC 2008):***

This derivative litigation challenged the Board's decision to award excessive compensation to the Company's outgoing President and CEO, Gareth Roberts. Kessler Topaz negotiated a settlement that included both the disgorgement of ill-gotten compensation by Mr. Roberts as well as numerous corporate governance improvements. In approving the settlement, the Court acknowledged that the litigation was a "hard-fought battle all the way through," and commented, "I know you guys have very vigorous and able counsel on the other side, and you had to basically try to knock your way through the wall at every stage."

***The South Financial Group, Inc. Shareholder Litigation, 09-09061 (Dallas County, TX 2009):***

This derivative litigation challenged the Board's decision to accelerate "golden parachute" payments to the Company's CEO Mack Whittle as the Company applied for emergency assistance in 2008 under the Troubled Asset Recovery Plan ("TARP"). Kessler Topaz attorneys sought injunctive relief to block the payments and protect the Company's ability to receive the TARP funds. The litigation was settled, with Whittle giving up a portion of his severance package and agreeing to leave the board, as well as the implementation of important corporate governance changes which were described by one commentator as "unprecedented."

## **Mergers & Acquisitions Litigation**

***In re Genentech, Inc. Shareholders Lit., Cons. Civ. Action No. 3991-VCS (Del. Chancery Court):***

Kessler Topaz represented Alameda County in this shareholder class action brought against the directors of Genentech and Genentech's former majority owner, Roche Holdings, Inc., in response to Roche's July 21, 2008 attempt to acquire Genentech for \$89 per share. We sought to enforce provisions of an Affiliation Agreement between Roche and Genentech and to ensure that Roche fulfilled its fiduciary obligations to Genentech's shareholders. Following an agreement between Plaintiffs and Roche that ensured that the Affiliation Agreement applied and that Roche owed fiduciary duties to Genentech's shareholders, on February 9, 2009, Roche commenced a hostile tender offer to acquire Genentech for \$86.50 per share. Thereafter, Kessler Topaz supplemented its pleadings to allege that the Affiliation Agreement prevented Roche from conducting the tender offer consistent with Delaware law, and prevented Genentech's shareholders from exercising their valuable appraisal rights in connection with the tender offer. After moving to enjoin the tender offer, Kessler Topaz negotiated with Roche and Genentech to amend the Affiliation Agreement to allow a negotiated transaction between Roche and Genentech, which enabled Roche to acquire Genentech for \$95 per share, approximately \$3.9 billion more than Roche offered in its hostile tender offer. The litigation was settled on this basis and for supplemental disclosures in the proxy materials which clarified the relationship between Roche and Genentech and the mechanics of the merger agreement.

***In re Amicas, Inc. Shareholder Litigation, 10-0174-BLS2 (Suffolk County, MA 2010):***

Kessler Topaz served as lead counsel in class action litigation challenging a proposed private equity buy out of Amicas that would have paid Amicas shareholders \$5.35 per share in cash while certain Amicas executives retained an equity stake in the surviving entity moving forward. Kessler Topaz prevailed in securing a preliminary injunction against the deal, which then allowed a superior bidder to purchase the Company for an additional \$0.70 per share. The court complimented Kessler Topaz attorneys for causing an "exceptionally favorable result for Amicas' shareholders" after "expend[ing] substantial resources."

***In re American Italian Pasta Company Shareholder Litigation, CA 5610-VCN (Del. Ch 2010):***

This expedited merger litigation challenged certain provisions of a merger agreement, whereby the board had granted the acquiring company a "Top-Up Option" to purchase additional shares in the event that less than 90% of the shares were tendered. Kessler Topaz attorneys asserted that the Top-Up Option was granted in violation of Delaware law and threatened the rights of shareholders to seek appraisal post-closing. In settling the litigation, the parties agreed to substantially rewrite provisions of the merger agreement and issue substantial additional disclosures prior to the closing of the transaction. The Delaware Chancery Court approved the settlement, noting that "the issues were novel and difficult," and that the "litigation was brought under severe time constraints."



## **Consumer Protection and ERISA Litigation**

### ***In re Global Crossing, Ltd. ERISA Litigation, No. 02 Civ. 7453 (S.D.N.Y. 2004):***

Kessler Topaz served as Co-Lead Counsel in this novel, complex and high-profile action which alleged that certain directors and officers of Global Crossing, a former high-flier of the late 1990's tech stock boom, breached their fiduciary duties under the Employee Retirement Income Security Act of 1974 ("ERISA") to certain company-provided 401(k) plans and their participants. These breaches arose from the plans' alleged imprudent investment in Global Crossing stock during a time when defendants knew, or should have known, that the company was facing imminent bankruptcy. A settlement of plaintiffs' claims restoring \$79 million to the plans and their participants was approved in November 2004. At the time, this represented the largest recovery received in a company stock ERISA class action.

### ***In re AOL Time Warner ERISA Litigation, No. 02-CV-8853 (S.D.N.Y. 2006):***

Kessler Topaz, which served as Co-Lead Counsel in this highly-publicized ERISA fiduciary breach class action brought on behalf of the Company's 401(k) plans and their participants, achieved a record \$100 million settlement with defendants. The \$100 million restorative cash payment to the plans (and, concomitantly, their participants) represents the largest recovery from a single defendant in a breach of fiduciary action relating to mismanagement of plan assets held in the form of employer securities. The action asserted claims for breach of fiduciary duties pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA") on behalf of the participants in the AOL Time Warner Savings Plan, the AOL Time Warner Thrift Plan, and the Time Warner Cable Savings Plan (collectively, the "Plans") whose accounts purchased and/or held interests in the AOLTW Stock Fund at any time between January 27, 1999 and July 3, 2003. Named as defendants in the case were Time Warner (and its corporate predecessor, AOL Time Warner), several of the Plans' committees, as well as certain current and former officers and directors of the company. In March 2005, the Court largely denied defendants' motion to dismiss and the parties began the discovery phase of the case. In January 2006, Plaintiffs filed a motion for class certification, while at the same time defendants moved for partial summary judgment. These motions were pending before the Court when the settlement in principle was reached. Notably, an Independent Fiduciary retained by the Plans to review the settlement in accordance with Department of Labor regulations approved the settlement and filed a report with Court noting that the settlement, in addition to being "more than a reasonable recovery" for the Plans, is "one of the largest ERISA employer stock action settlements in history."

### ***In re Honeywell International ERISA Litigation, No. 03-1214 (DRD) (D.N.J. 2004):***

Kessler Topaz served as Lead Counsel in a breach of fiduciary duty case under ERISA against Honeywell International, Inc. and certain fiduciaries of Honeywell defined contribution pension plans. The suit alleged that Honeywell and the individual fiduciary defendants, allowed Honeywell's 401(k) plans and their participants to imprudently invest significant assets in company stock, despite that defendants knew, or should have known, that Honeywell's stock was an imprudent investment due to undisclosed, wide-ranging problems stemming from a consummated merger with Allied Signal and a failed merger with General Electric. The settlement of plaintiffs' claims included a \$14 million payment to the plans and their affected participants, and significant structural relief affording participants much greater leeway in diversifying their retirement savings portfolios.

### ***Henry v. Sears, et. al., Case No. 98 C 4110 (N.D. Ill. 1999):***

The Firm served as Co-Lead Counsel for one of the largest consumer class actions in history, consisting of approximately 11 million Sears credit card holders whose interest rates were improperly increased in connection with the transfer of the credit card accounts to a national bank. Kessler Topaz successfully negotiated a settlement representing approximately 66% of all class members' damages, thereby providing a total benefit exceeding \$156 million. All \$156 million was distributed automatically to the Class members, without the filing of a single proof of claim form. In approving the settlement, the District Court stated: ". . . I am pleased to approve the settlement. I think it does the best that could be done under the circumstances on behalf of the class. . . . The litigation was complex in both liability and damages and required both professional skill and standing which class counsel demonstrated in abundance."

## **Antitrust Litigation**

### ***In re Remeron Antitrust Litigation, No. 02-CV-2007 (D.N.J. 2004):***

Kessler Topaz was Co-Lead Counsel in an action which challenged Organon, Inc.'s filing of certain patents and patent infringement lawsuits as an abuse of the Hatch-Waxman Act, and an effort to unlawfully extend their monopoly in the market for Remeron. Specifically, the lawsuit alleged that defendants violated state and federal antitrust laws in their efforts to keep competing products from entering the market, and sought damages sustained by consumers and third-party payors. After lengthy litigation, including numerous motions and over 50 depositions, the matter settled for \$36 million.

## **PARTNERS**

**RAMZI ABADOU**, a partner in the Firm's San Francisco office, received his Bachelor of Arts from Pitzer College in Claremont, California in 1994 and his Master of Arts from Columbia University in the City of New York in 1997. Prior to attending law school, Mr. Abadou was a political science professor at Foothill College in Los Altos Hills, California. Mr. Abadou graduated from the Boston College Law School and clerked for the United States Attorney's Office in San Diego, California. Prior to joining the Firm, Mr. Abadou was a partner with Coughlin Stoia Geller Rudman & Robbins LLP in San Diego, California.

Mr. Abadou concentrates his practice on prosecuting securities class actions and is also a member of the Firm's lead plaintiff litigation practice group. Mr. Abadou has been associated with a number of significant recoveries, including: *In re UnitedHealth Group, Inc. Sec. Litig.*, 2007 U.S. Dist. LEXIS 40623 (D. Minn. 2007) (settled - \$925.5 million); *In re SemGroup Energy Partners Secs. Litig.*, Case No. 08-md-1989 GFK (N.D. Ok.) (settled - \$28 million); *In re Direct Gen. Corp. Sec. Litig.*, 2006 U.S. Dist. LEXIS 56128 (M.D. Tenn. 2006) (settled - \$15 million); and *In re AT&T Corp. Secs. Litig.*, Case No. 00-cv-5364 (D.N.J.) (settled - \$100 million).

Mr. Abadou was a featured panelist at the American Bar Association's 11th Annual National Institute on Class Actions and is a faculty member for the Practising Law Institute's Advanced Securities Litigation Workshops. Mr. Abadou was named as one of the *Daily Journal's* Top 20 lawyers in California under age 40 for 2010, and has been selected for inclusion in *Super Lawyers* – Rising Stars Edition 2011. Mr. Abadou has also lectured on securities litigation at various law schools throughout the country. He is admitted to the California Bar and is licensed to practice in all California state courts, as well as all of the United States District Courts in California and the United States Court of Appeals for the Ninth Circuit.

**STUART L. BERMAN**, a partner of the Firm, concentrates his practice on securities class action litigation in federal courts throughout the country, with a particular emphasis on representing institutional investors active in litigation. Mr. Berman regularly counsels and educates institutional investors located around the world on emerging legal trends, new case ideas and the rights and obligations of institutional investors as they relate to securities fraud class actions and individual actions. In this respect, Mr. Berman has been instrumental in courts appointing the Firm's institutional clients as lead plaintiffs in class actions as well as in representing institutions individually in direct actions. Mr. Berman is currently representing institutional investors in direct actions against Vivendi and Merck, and took a very active role in the precedent setting Shell settlement on behalf of many of the Firm's European institutional clients.

In connection with these responsibilities, Mr. Berman is a frequent speaker on securities issues, especially as they relate to institutional investors, at events such as The European Pension Symposium in Florence, Italy; the Public Funds Symposium in Washington, D.C.; the Pennsylvania Public Employees Retirement (PAPERS) Summit in Harrisburg, Pennsylvania; the New England Pension Summit in Newport, Rhode

Island; the Rights and Responsibilities for Institutional Investors in Amsterdam, Netherlands; and the European Investment Roundtable in Barcelona, Spain.

Mr. Berman is an honors graduate from Brandeis University and received his law degree from George Washington University National Law Center.

**MICHAEL J. BONELLA**, a partner of the Firm, concentrates his practice on intellectual property litigation and particularly complex patent litigation. He earned his law degree *magna cum laude* from the Duke University School of Law. Michael is one of a few attorneys who is both registered to practice before the Patent and Trademark Office and that also holds an LLM degree in Trial Advocacy, which he obtained from Temple University. In addition, Michael obtained a bachelor of science degree *cum laude* in mechanical engineering from Villanova University. Michael also served five years in the U.S. Naval Submarine program. While serving in the Navy, Michael was certified by the U.S. Navy as a nuclear engineer and received advance training in electrical engineering.

Michael is currently the co-chair of the Firm's intellectual property department. Michael has served as the lead lawyer on patent litigations involved pharmaceutical and consumer products. Michael was the case manager for TruePosition, Inc. and was instrumental in achieving a settlement valued at about \$45 million for TruePosition, Inc. in *TruePosition, Inc. v. Allen Telecom, Inc.*, No. 01-0823 (D. Del.). Michael has also been the attorney that was primarily responsible for obtaining favorable settlements for defendants (e.g., *Codman & Shurtleff, Inc. v. Integra LifeSciences Corp.*, No. 06-2414 (D. N.J.) (declaratory judgment action). Michael has litigated patent cases involving a wide range of technologies including balloon angioplasty catheters, collagen sponges, neurosurgery, sutures, shoulder surgery, knee surgery, orthopedic implants, pump technology, immunoassay testing, cellular telephones, computer software, signal processing, and electrical hardware. Michael has also served as a case manager for a plaintiff in a multidistrict patent litigation (MDL) involving multiple defendants and complex signal processing

Michael has written numerous articles and most recently authored an article entitled *Valuing Patent Infringement Actions After the Supreme Court's eBay Decision* (2008). In 2005, Michael was named a Rising Star by Pennsylvania SuperLawyer.

**GREGORY M. CASTALDO**, a partner of the Firm, received his law degree from Loyola Law School, where he received the American Jurisprudence award in legal writing. He received his undergraduate degree from the Wharton School of Business at the University of Pennsylvania. He is licensed to practice law in Pennsylvania and New Jersey.

Mr. Castaldo served as Kessler Topaz's lead litigation partner in *In re Tenet Healthcare Corp.*, No. 02-CV-8462 (C.D. Cal. 2002), securing an aggregate recovery of \$281.5 million for the class, including \$65 million from Tenet's auditor. Mr. Castaldo also played a primary litigation role in the following cases: *In re Liberate Technologies Sec. Litig.*, No. C-02-5017 (MJJ) (N.D. Cal. 2005) (settled — \$13.8 million); *In re Sodexo Marriott Shareholders Litig.*, Consol. C.A. No. 18640-NC (Del. Ch. 1999) (settled — \$166 million benefit); *In re Motive, Inc. Sec. Litig.*, 05-CV-923 (W.D.Tex. 2005) (settled — \$7 million cash, 2.5 million shares); and *In re Wireless Facilities, Inc., Sec. Litig.*, 04-CV-1589 (S.D. Cal. 2004) (settled — \$16.5 million).

**DARREN J. CHECK**, a partner of the Firm, concentrates his practice in the area of securities litigation and institutional investor relations. He is a graduate of Franklin & Marshall College and received his law degree from Temple University School of Law. Mr. Check is licensed to practice in Pennsylvania and New Jersey.

Currently, Mr. Check concentrates his time as the Firm's Director of Institutional Relations and heads up the Firm's Portfolio Monitoring and Business Development departments. He consults with institutional

investors from around the world regarding their rights and responsibilities with respect to their investments and taking an active role in shareholder litigation. Mr. Check assists clients in evaluating what systems they have in place to identify and monitor shareholder and consumer litigation that has an effect on their funds, and also assists them in evaluating the strength of such cases and to what extent they may be affected by the conduct that has been alleged. He currently works with clients in the United States, Canada, the Netherlands, United Kingdom, France, Italy, Sweden, Denmark, Finland, Norway, Germany, Austria, Switzerland and Australia.

Mr. Check regularly speaks on the subject of shareholder litigation, corporate governance, investor activism, and recovery of investment losses. Mr. Check has spoken at or participated in panel sessions at conferences around the world, including MultiPensions; the European Pension Symposium; the Public Funds Summit; the European Investment Roundtable; The Rights & Responsibilities of Institutional Investors; the Corporate Governance & Responsible Investment Summit; the Public Funds Roundtable; The Evolving Fiduciary Obligations of Pension Plans: Understanding the New Era of Corporate Governance; the International Foundation for Employee Benefit Plans Annual Conference; the Florida Public Pension Trustees Association Annual Conference, the Pennsylvania Association of Public Employees Retirement Systems Annual Meeting; and the Australian Investment Management Summit.

Mr. Check has also been actively involved in the precedent setting Shell settlement, direct actions against Vivendi and Merck, and the class action against Bank of America related to its merger with Merrill Lynch.

**EDWARD W. CIOLKO**, a partner of the Firm, received his law degree from Georgetown University Law Center, and an MBA from the Yale School of Management. He is licensed to practice law in the State of New Jersey, and has been admitted to practice before the United States District Court for the District of New Jersey and the United States Courts of Appeals for the First, Fourth, Ninth and Eleventh Circuits. Mr. Ciolko concentrates his practice in the areas of ERISA, Antitrust, RESPA and Consumer Protection.

Mr. Ciolko is counsel in several pending nationwide ERISA breach of fiduciary duty class actions, brought on behalf of retirement plans and their participants alleging, inter alia, imprudent investment of plan assets which caused significant losses to the retirement savings of tens of thousands of workers. These cases include: *In re Beazer Homes USA, Inc. ERISA Litig.*, 07-CV-00952-RWS (N.D. Ga. 2007); *Nowak v. Ford Motor Co.*, 240 F.R.D. 355 (E.D. Mich. 2006); *Gee v. UnumProvident Corp.*, 03-1552(E.D. Tenn. 2003); *Pettit v. JDS Uniphase Corp. et al.*, C.A. No. 03-4743 (N.D. Ca. 2003); *Hargrave v. TXU, et al.*, C.A. No. 02-2573 (N.D. Tex. 2002); *Evans v. Akers*, C.A. No. 04-11380 (D. Mass. 2004); *Lewis v. El Paso Corp.* No. 02-CV-4860 (S.D. Tex. 2002); and *In re Schering-Plough Corp. ERISA Litig.* No. 03-CV-1204 (D.N.J. 2003).

Mr. Ciolko's efforts have also helped achieve a number of large recoveries for affected retirement plan participants: *In re Sears Roebuck & Co. ERISA Litig.*, C.A. No. 02-8324 (N.D. Ill. 2002) (settled — \$14.5 million recovery); and *In re Honeywell Intern'l ERISA Litig.*, No. 03-CV-1214 (DRD) (D.N.J. 2003) (settled — \$14 million recovery, as well as significant structural relief regarding the plan's administration and investment of its assets).

Mr. Ciolko has also concentrated part of his practice to the investigation and prosecution of pharmaceutical antitrust actions, medical device litigation, and related anticompetitive and unfair business practices including *In re Wellbutrin SR Antitrust Litigation*, 04-CV-5898 (E.D. Pa. Dec. 17, 2004); *In re Remeron End-Payor Antitrust Litigation*, Master File No. 02-CV-2007 (D.N.J. Apr. 25, 2002); *In re Modafinil Antitrust Litigation*, 06-2020 (E.D. Pa. May 12, 2006); *In re Medtronic, Inc. Implantable Defibrillator Litigation*, 05-CV-2700 (D. Minn. 2005); and *In re Guidant Corp. Implantable Defibrillator Litigation*, 05-CV-2883 (D. Minn. 2005).

Before coming to Kessler Topaz, Mr. Ciolko worked for two and one-half years as a Law Clerk and Attorney Advisor to Commissioner Sheila F. Anthony of the Federal Trade Commission ("FTC"). While at the FTC, Mr. Ciolko reviewed commission actions/investigations and counseled the Commissioner on a wide range of antitrust and consumer protection topics including, in pertinent part: the confluence of antitrust and intellectual property law; research and production of "Generic Drug Entry Prior to Patent Expiration: An FTC Study," and an administrative complaint against, among others, Schering-Plough Corporation regarding allegedly unlawful settlements of patent litigation which delayed entry of a generic alternative to a profitable potassium supplement (K-Dur).

**ELI S. GREENSTEIN** is a partner in the Firm's San Francisco office and a member of the Firm's federal securities litigation practice group. Mr. Greenstein received his B.A. in Business Administration from the University of San Diego in 1997 where he was awarded a Presidential Scholarship. Mr. Greenstein received his J.D. from Santa Clara University School of Law in 2001, and his M.B.A. from Santa Clara's Leavey School of Business in 2002. Mr. Greenstein was a judicial extern for the Honorable James Ware, Chief Judge of the United States District Court for the Northern District of California.

Mr. Greenstein's significant federal securities decisions and recoveries include: The *AOL Time Warner* opt-out actions (\$618 million in total recoveries for investors); *Parnes v. Harris (In re Purus)*, No. C-98-20449-JF(RS) (\$9.95 million recovery); *In re Terayon Communs. Sys. Sec. Litig.*, 2002 U.S. Dist. LEXIS 5502 (N.D. Cal. 2002) (\$15 million recovery); *In re Endocare, Inc. Sec. Litig.*, No. CV02-8429 DT (CTX) (C.D. Cal. 2004) (\$8.95 million recovery); *Greater Pa. Carpenters Pension Fund v. Whitehall Jewellers, Inc.*, 2005 U.S. Dist. LEXIS 12971 (N.D. Ill. 2005) (\$7.5 million recovery); *In re Nuvelo, Inc. Sec. Litig.*, 668 F. Supp. 2d 1217 (N.D. Cal. 2009) (\$8.9 million settlement pending); *In re Am. Serv. Group, Inc.*, 2009 U.S. Dist. LEXIS 28237 (M.D. Tenn. 2009) (\$15.1 million recovery).

Prior to joining the Firm, Mr. Greenstein was a partner at Robbins Geller Rudman & Dowd LLP in its federal securities litigation practice group. His relevant background also includes consulting for PricewaterhouseCoopers LLP's International Tax and Legal Services division, and clerking on the trading floor of the Chicago Mercantile Exchange in the S&P 500 futures and options division.

Mr. Greenstein has been a member of the California Bar since 2001 and is admitted to practice in all California state courts, as well as federal courts in the Northern, Central and Eastern Districts of California and the Northern District of Illinois.

**SEAN M. HANDLER**, a partner of the Firm, received his Bachelor of Arts degree from Colby College, graduating with distinction in American Studies. Mr. Handler then earned his Juris Doctor, cum laude, from Temple University School of Law.

After law school, Mr. Handler practiced labor law at Reed Smith, LLP in Philadelphia. Since joining Kessler Topaz, Mr. Handler has concentrated his practice in the area of securities litigation, with a particular emphasis on litigation strategy and lead plaintiff litigation. In this role, Mr. Handler has been responsible for numerous reported decisions.

In addition to these responsibilities, Mr. Handler also spends considerable time litigating ongoing securities litigation matters on behalf of institutional clients including *In re Delphi Corporation Sec. Litig.*, No. 06-10026 (GER) (E.D. MI. 2006); *Smajlaj v. Brocade Communications Systems, Inc., et al.*, No. 05-cv-02042(CRB) (N.D. Cal. 2005); and *State of New Jersey and Its Division of Investment v. Sprint Corporation, et al.*, No. 03-2071-JWL (D. Kan. 2003).

**KIMBERLY A. JUSTICE**, a partner of the Firm, graduated *magna cum laude* from Temple University School of Law, where she was Articles/Symposium Editor of the Temple Law Review and received the Jacob Kossman Award in Criminal Law. Ms. Justice earned her undergraduate degree, *cum laude* and Phi Beta Kappa, from Kalamazoo College. Upon graduating from law school, Ms. Justice served as a

judicial clerk to the Honorable William H. Yohn, Jr. of the United States District Court for the Eastern District of Pennsylvania. Ms. Justice is licensed to practice law in Pennsylvania and admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Ms. Justice joined the Firm after several years serving as a trial attorney and prosecutor in the Antitrust Division of the U.S. Department of Justice where she led teams of trial attorneys and law enforcement agents who investigated and prosecuted domestic and international cartel cases and related violations, and where her success at trial was recognized with the *Antitrust Division Assistant Attorney General Award of Distinction* for outstanding contribution to the protection of American consumers and competition. Since joining Kessler Topaz, Ms. Justice concentrates her practice in the area of securities litigation.

Ms. Justice began her practice as an associate at Dechert LLP where she defended a broad range of complex commercial cases, including antitrust and product liability class actions, and where she advised clients concerning mergers and acquisitions and general corporate matters.

**JOHN A. KEHOE**, a partner of the Firm, received his undergraduate degree from DePaul University and Masters of Public Administration from the University of Vermont. Mr. Kehoe earned his Juris Doctorate, magna cum laude, from Syracuse University College of Law, where he was Associate Editor of the Syracuse Law Review, Associate Member of the Syracuse Moot Court Board and Alternate Member on the National Appellate Team.

Mr. Kehoe has litigated many high profile securities and antitrust class actions in state and federal courts, including *In re Initial Public Offering Securities Litigation*, Master File No. 21 MC 92 (\$586 million class settlement resolving 309 consolidated actions); *Ohio Public Employees Retirement System et al. v. Freddie Mac et al.*, 03-CV-4261 (S.D.N.Y.) (\$410 million combined class and derivative settlement); *In re Bristol Myers Squibb Securities Litigation*, 02-CV-2251 (S.D.N.Y.) (\$300 million class settlement); *Smajlaj v. Brocade Communications Sys., Inc., et al.*, No. 05-CV-02042 (N.D. Cal. 2005) (\$160 million class settlement); *In re Marvell Technology Group Ltd. Securities Litigation*, 06-CV-06286 (N.D.Ca) (\$72 million class settlement); and *In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C.) (resulting in more than \$2 billion in federal and state class and direct action settlements).

Prior to joining Kessler Topaz Meltzer & Check, Mr. Kehoe was associated with Clifford Chance LLP where he represented Fortune 500 companies and their officers and directors in complex securities and antitrust litigation, and in enforcement actions brought by the Department of Justice, the U.S. Securities and Exchange Commission and the Federal Trade Commission.

From 1986 to 1994, Mr. Kehoe worked as a police officer in the State of Vermont, where he was a member of the tactical Special Reaction Team, served on the Major Accident Investigation Team, and attended advanced police training at the Florida Institute of Police Technology and Management.

Mr. Kehoe is currently admitted to practice in Pennsylvania and New York, and is admitted to the U.S. District Court for the Southern District of New York, the Court of Appeals for the Second Circuit, and the Court of Appeals for the Eleventh Circuit.

**DAVID KESSLER**, a partner of the Firm, graduated with distinction from the Emory School of Law. He is licensed to practice in Pennsylvania, New Jersey and New York, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey, and the United States District Court for the Southern District of New York. Prior to practicing law, Mr. Kessler was a Certified Public Accountant in Pennsylvania. In addition, Mr. Kessler often lectures on securities litigation related topics. Mr. Kessler also manages the Firm's nationally recognized securities department and in this capacity, has achieved or assisted in obtaining Court approval for the following outstanding results in federal securities and consumer class action cases: *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled — \$3.2 billion); *In re PNC*



*Financial Services Group, Inc. Sec. Litig.*, Case No. 02-CV-271 (W.D. Pa. 2002) (settled — \$45.675 million); *Henry v. Sears, et al.*, Case No. 98 C 4110 (N.D. Ill. 1999) (settled — \$156 million); *In re Assisted Living Concepts, Inc. Sec. Litig.*, Lead Case No. 99-167-AA (D. Or. 1999) (settled — \$42.5 million); *In re Tenet Healthcare Corp. Sec. Litig.*, No. CV-02-8462-RSWL (Rx) (C.D. Cal. 2002) (settled — \$216.5 million with Company and \$65 million with auditor). Mr. Kessler is also currently serving as the Firm's primary litigation partner in what is widely recognized as the largest securities class action case in history in *In re Initial Public Offering Sec. Litig.*, Master File No. 21 MC 92(SAS) (S.D.N.Y. Dec. 12, 2002) (\$586 million class settlement resolving 309 consolidated actions) .

**PETER ("Tad") H. LeVAN, Jr.**, a partner of the Firm, graduated with distinction from the University of Cincinnati College of Law, where he was a member of the *University of Cincinnati Law Review* and received the Awards for Excellence in Criminal Law and Conflicts of Law. Mr. LeVan received his undergraduate degree, cum laude and Phi Beta Kappa, from Miami University. Upon graduating from law school, Mr. LeVan served as judicial clerk to the Honorable John M. Manos of the United States District Court for the Northern District of Ohio. Mr. LeVan is licensed to practice law in Pennsylvania, New Jersey and Ohio. In addition, he is admitted to practice before the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the District of New Jersey, and the Northern District of Ohio, as well as the United States Courts of Appeals for the Third, Sixth and Federal Circuits.

Mr. LeVan's practice focuses on ERISA and other complex litigation. A Fellow of the Academy of Advocacy at the Temple University School of Law, Mr. LeVan was the Recipient of the Equal Justice Award, given in recognition of his outstanding dedication and pro bono service to the cause of equal justice.

Prior to joining Kessler Topaz, Mr. LeVan was a shareholder at the law firm of Hangley Aronchick Segal & Pudlin, where he also served on the Firm's Board of Directors.

**JOSEPH H. MELTZER**, a partner of the Firm, concentrates his practice in the areas of ERISA, fiduciary and antitrust complex litigation.

Mr. Meltzer leads the Firm's Fiduciary Litigation Group which has excelled in the highly specialized area of prosecuting cases involving breach of fiduciary duty claims. Mr. Meltzer has served as lead or co-lead counsel in numerous nationwide class actions brought under ERISA, including cases against El Paso Corp., Global Crossing, AOL Time Warner, and National City Corp. Since founding the Fiduciary Litigation Group, Mr. Meltzer has helped recover well over \$300 million for clients and class members including some of the largest settlements in ERISA fiduciary breach actions.

As part of his fiduciary litigation practice, Mr. Meltzer has been actively involved in actions related to losses sustained in securities lending programs including *Bd. of Trustees of the AFTRA Ret. Fund v. JPMorgan Chase Bank* and *CompSource Okla. v. BNY Mellon*; in addition, Mr. Meltzer is representing a publicly traded company in a large arbitration pending against AIG, Inc. related to securities lending losses. Mr. Meltzer also represents an institutional client in a fiduciary breach action against Wells Fargo for large losses sustained while Wachovia Bank and its subsidiaries, including Evergreen Investments, were managing the client's investment portfolio.

A frequent lecturer on ERISA litigation and employee benefits issues, Mr. Meltzer is a member of the ABA's Section Committee on Employee Benefits and has been recognized by numerous courts for his ability and expertise in this complex area of the law.

Mr. Meltzer also manages the Firm's Antitrust and Pharmaceutical Pricing Groups. Here, Mr. Meltzer focuses on helping clients that have been injured by anticompetitive and unlawful business practices, including with respect to overcharges related to prescription drug and other health care expenditures. Mr.



Meltzer currently serves as co-lead counsel for direct purchasers in the *Flonase Antitrust Litigation* pending in the Eastern District of Pennsylvania and has served as lead or co-lead counsel in numerous nationwide actions, representing such clients as the Pennsylvania Turnpike Commission, the Southeastern Pennsylvania Transportation Authority (SEPTA) and the Sidney Hillman Health Center of Rochester. Mr. Meltzer also serves as a special assistant attorney general for the states of Montana, Utah and Alaska.

Mr. Meltzer lectures on issues related to antitrust litigation and is a member of the ABA's Section Committee on Antitrust Law.

Mr. Meltzer is an honors graduate of the University of Maryland and received his law degree with honors from Temple University School of Law. Honors include being named a Pennsylvania Super Lawyer.

**PAUL B. MILCETIC**, a partner of the Firm, concentrates his practice in the area of patent and intellectual property litigation. He earned his law degree from the Cornell Law School, received an LLM in trial advocacy from the Temple University School of Law and also holds a degree in Computer Science from Rutgers University, summa cum laude. He is licensed to practice law in Pennsylvania, New York and New Jersey.

Mr. Milcetic is currently co-chair of the Firm's intellectual property litigation department, and has been the lead trial lawyer on multiple patent litigations. In 2007, he achieved a \$45 million patent infringement verdict as lead trial lawyer in *TruePosition v. Andrew Corp.* and in 2009 he successfully argued for a \$20 million post verdict punitive damages award. He was quoted in the following articles that spotlighted some recent achievements: "Philadelphia Lawyers Win \$45 Mil in Patent Case," *The Legal Intelligencer*, September 19, 2007 and "Cell Phone Co. Loses Gamble, Ordered to Pay \$20 Mil. More in Damages," *Delaware Law Weekly*, May 20, 2009. According to *Chambers USA 2010*, clients say that Mr. Milcetic is "confident and assertive in the courtroom. According to his peers, he is a "solid all-rounder with exemplary judgment and a nice, low-key style" *IAM 250 World's Leading Patent Litigators (2011)*."

Mr. Milcetic is a frequent speaker on topics relating to intellectual property, and was recently interviewed by the *Law Business Inside Radio Show*. He is also the author of a book about standards related patent litigation that was published in January 2008 entitled "Technology Patent Infringement Case Strategies." In 2009-2011, Mr. Milcetic was named a Pennsylvania Superlawyer and most recently he was named a fellow of the Litigation Counsel of America.

**PETER A. MUHIC**, a partner of the Firm, is a graduate of Syracuse University and an honors graduate of the Temple University School of Law, where he was Managing Editor of the *Temple Law Review* and a member of the Moot Court Board.

Mr. Muhic has substantial trial and other courtroom experience involving complex actions in federal and state courts throughout the country. In addition to his trial recoveries, he has obtained significant monetary awards and settlements through arbitrations and mediations. In 2009, Mr. Muhic was co-lead trial counsel in one of the few class action ERISA cases ever to be tried, which involved claims against the fiduciaries of the 401k plan of an S&P 500 company for imprudent investment in company stock and misrepresentations to plan participants. Mr. Muhic primarily prosecutes class actions and/or collective actions concerning ERISA, FLSA, FHA, ECOA and numerous state consumer protection statutes and laws. He has served as lead counsel in numerous nationwide actions. He is licensed to practice law in Pennsylvania and New Jersey and also is admitted to the United States Courts of Appeals for the Third, Fifth, Seventh and Ninth Circuits, the United States District Courts for the Eastern and Middle Districts of Pennsylvania, the District of New Jersey and the District of Colorado.

Mr. Muhic serves as a Judge Pro Tem for the Court of Common Pleas of Philadelphia County, is a former Board Member of the SeniorLAW Center in Philadelphia and a past recipient of the White Hat Award for

outstanding pro bono contributions to the Legal Clinic for the Disabled, a nonprofit organization in Philadelphia.

**MATTHEW L. MUSTOKOFF**, a partner of the Firm, is an experienced securities, corporate governance and intellectual property litigator. He has represented clients at the trial and appellate level in numerous high-profile shareholder class actions and other litigations involving a wide array of matters, including financial fraud, market manipulation and mergers and acquisitions.

Mr. Mustokoff is currently prosecuting several nationwide securities cases including *In re Citigroup Inc. Bond Litigation* and *In re Johnson & Johnson Securities Litigation*. He was one of the lead trial lawyers for the shareholder class in the *BankAtlantic Bancorp Inc. Securities Litigation* which culminated in a five-week jury trial in Miami federal court and a historic verdict for investors. The jury found that BankAtlantic, its chief executive officer and chief financial officer made fraudulent statements to the investing public regarding the state of the bank's troubled real estate loan portfolio. The case marked the first securities fraud class action arising out of the financial crisis to be tried to verdict. On April 25, 2011, Judge Ungaro vacated the jury's verdict. The Firm is looking forward to a favorable review of the issues by the appellate court.

Mr. Mustokoff also concentrates his practice in patent litigation and is active in the Firm's prosecution of complex patent infringement and trade secret claims on behalf of individual inventors and corporations, spanning a wide range of technologies and industries.

Prior to joining the Firm, Mr. Mustokoff practiced at Weil, Gotshal & Manges LLP in New York, where he represented public companies and financial institutions in SEC enforcement and white collar criminal matters, shareholder litigation and contested bankruptcy proceedings.

Mr. Mustokoff currently serves as Co-Chair of the American Bar Association's Subcommittee on Securities Class Actions and Derivative Litigation. He was a featured panelist at the ABA Section of Litigation's 2010 Annual Conference on the subject of internal investigations and has lectured on corporate governance issues at the Cardozo School of Law. His publications include: "The BankAtlantic Case: Jury Returns Securities Fraud Verdict in First Credit Crisis Trial," *Securities Litigation Report* (March 2011); "Statistical Significance, Materiality and the Duty to Disclose in Pharmaceutical Securities Fraud Class Actions," *Securities Litigation Journal* (Fall 2010); "Delaware and Insider Trading: The Chancery Court Rejects Federal Preemption Arguments of Corporate Directors," *Securities Regulation Law Journal* (Summer 2010); "The Pitfalls of Waiver in Corporate Prosecutions: Sharing Work Product with the Government and the Future of Non-Waiver Agreements," *Securities Regulation Law Journal* (Fall 2009); "Scheme Liability Under Rule 10b-5: The New Battleground in Securities Fraud Litigation," *The Federal Lawyer* (June 2006); "District Court Weighs Novel Theories of Rule 10b-5 Liability in Mutual Fund Market Timing Litigation," *Securities Regulation Law Journal* (Spring 2006); "Sovereign Immunity and the Crisis of Constitutional Absolutism: Interpreting the Eleventh Amendment After *Alden v. Maine*," *Maine Law Review* (2001).

Mr. Mustokoff is a Phi Beta Kappa honors graduate of Wesleyan University. He received his law degree from the Temple University School of Law, where he was the articles and commentary editor of the *Temple Political and Civil Rights Law Review* and the recipient of the Raynes, McCarty, Binder, Ross and Mundy Graduation Prize for scholarly achievement in the law.

Mr. Mustokoff is admitted to practice before the courts of New York State and Pennsylvania and the United States District Courts for the Southern and Eastern Districts of New York.

**CHRISTOPHER L. NELSON**, a partner of the Firm, received his law degree from Duke University School of Law in 2000, and his undergraduate degree in Business, Economics, and the Law from

Washington University in St. Louis in 1997. Mr. Nelson concentrates his practice in the area of securities litigation.

Mr. Nelson has litigated in federal district and appellate courts across the country in numerous actions that have resulted in significant monetary recoveries, including: *Johnson v. Aljian et al.*, 394 F. Supp. 2d 1184 (C.D. Cal. 2004) (lead counsel, successfully argued opposition to defendants' motion to dismiss in insider trading case), 490 F.3d 778 (9th Cir. 2007) (successfully drafted and argued opposition to defendants' appeal before Ninth Circuit), cert. denied, 2008 U.S. LEXIS 2481 (U.S. Mar. 17, 2008). Class certified February 13, 2009, over defendants' opposition. \$8.1 million recovery; *Safron Capital Corp. v. Leadis Tech., Inc.* (*In re Leadis Tech. Inc. Sec. Litig.*), No. 06-15623, 274 Fed. Appx. 540; 2008 U.S. App. LEXIS 8699 (9th Cir. 2008) (lead counsel, successfully appealed decision of District Court granting motion to dismiss, \$4,200,000 recovery), cert. denied, 2009 U.S. LEXIS 1778 (U.S. Mar. 6, 2009); *Cent. Laborers Pension Fund v. Merix Corp.* (*In re Merix Corp. Sec. Litig.*), No. 06-35894, 275 Fed. Appx. 599; 2008 U.S. App. LEXIS 9073 (9th Cir. 2008) (lead counsel, successfully appealed decision of District Court granting motion to dismiss), cert. denied, 2008 U.S. LEXIS 9162 (U.S. Dec. 15, 2008); *Kaltman v. Key Energy Servs.* (*In re Key Energy Sec. Litig.*), 447 F. Supp. 2d 648 (W.D. Tex. 2006) (lead counsel, \$15,425,000 recovery); *In re Martek Biosciences Sec. Litig.*, No. MJG-05-122 4 (D.Md. June 14, 2006) (co-lead counsel, \$6,000,000 recovery); *Brody v. Zix Corp.*, No. 3-04-CV-1931-K, 2006 U.S. Dist. LEXIS 69302 (N.D.Tex. Sept. 26, 2006) (co-lead counsel, \$5,600,000 recovery); *In re NUI Sec. Litig.*, 314 F. Supp. 2d 388 (D.N.J. 2004) (lead counsel, \$3,500,000 recovery).

Mr. Nelson is admitted to practice law in the Commonwealth of Pennsylvania, the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Ninth, and Eleventh Circuits, and the United States District Court for the Eastern District of Pennsylvania.

**SHARAN NIRMUL**, a partner of the Firm, focuses on securities and corporate governance litigation. He has represented investors successfully in major securities fraud litigation including financial frauds involving Global Crossing Ltd, Qwest Communications International, WorldCom Inc., Delphi Corp., Marsh and McLennan Companies, Inc. and Able Laboratories. Mr. Nirmul has also represented shareholders in derivative and direct shareholder litigation in the Delaware Chancery Court and in other state courts around the country. Prior to joining the firm, Mr. Nirmul was associated with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A.

Sharan Nirmul received his law degree from The George Washington University Law School (J.D. 2001) where he served as an articles editor for the *Environmental Lawyer Journal* and was a member of the Moot Court Board. He was awarded the school's Lewis Memorial Award for excellence in clinical practice. He received his undergraduate degree from Cornell University (B.S. 1996).

Mr. Nirmul is admitted to practice law in the state courts of New York, New Jersey, Pennsylvania and Delaware and in the U.S. District Courts for the Southern District of New York, District of New Jersey, District of Delaware, and District of Colorado.

**KAREN E. REILLY**, a partner of the Firm, received her law degree from Pace University School of Law, where she was a member of the Moot Court Board and National Moot Court Team. Ms. Reilly received her undergraduate degree from the State University of New York College at Purchase. She is licensed to practice law in Pennsylvania, New Jersey, New York, Connecticut and Rhode Island, and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania, District of New Jersey, Southern and Eastern Districts of New York, and the District of Connecticut. Prior to joining Kessler Topaz, Ms. Reilly practiced at Pelino & Lentz, P.C., in Philadelphia, where she litigated a broad range of complex commercial cases. Ms. Reilly concentrates her practice in the area of securities litigation.

In addition to actively litigating and assisting in achieving the historic Tyco settlement, Ms. Reilly has also assisted in achieving settlements in the following cases in which Kessler Topaz has served as lead or co-lead counsel: *In re Liberate Technologies Sec. Litig.*, No. C-02-5017 (N.D. Cal. 2005) (settled - \$13.8 million); *In re Vodafone Group, PLC Sec. Litig.*, 02-CV-7592 (S.D.N.Y. 2002) (settled - \$24.5 million); *In re Check Point Technologies Ltd. Sec. Litig.*, 03-CV-6594 (S.D.N.Y. 2003) (settled - \$13 million); *In re Cornerstone Propane Partners LP Sec. Litig.*, 03-CV-2522 (N.D. Cal. 2003) (settled - \$13.5 million); *In re CVS Corporation Sec. Litig.*, C.A. No. 01-11464 JLT (D.Mass. 2001) (settled - \$110 million); and *In re ProQuest Company Sec. Litig.*, No. 2:06-CV-10619 (E.D. Mich. 2006) (settled - \$20 million).

**LEE D. RUDY**, a partner of the Firm, manages the Firm's mergers and acquisition and shareholder derivative litigation. Representing both institutional and individual shareholders in these actions, he has helped cause significant monetary and corporate governance improvements for those companies and their shareholders. For example, Mr. Rudy served as lead counsel in dozens of high profile derivative actions relating to the "backdating" of stock options, including litigation against the directors and officers of Comverse, Affiliated Computer Services, and Monster Worldwide. Mr. Rudy also regularly serves as lead counsel in class litigation challenging mergers and other going-private transactions. These actions have generated valuable monetary and therapeutic benefits for class members. Mr. Rudy has significant courtroom experience, both in trial and appellate courts across the country. He speaks frequently at conferences, guest lectures at law schools, and has been quoted in numerous national publications. Prior to civil practice, Mr. Rudy served for several years as an Assistant District Attorney in the Manhattan (NY) District Attorney's Office, and as an Assistant United States Attorney in the US Attorney's Office (DNJ). He has tried dozens of cases before juries in state and federal court, including several major fraud cases. He received his law degree from Fordham University, and his undergraduate degree, *cum laude*, from the University of Pennsylvania.

**BENJAMIN J. SWEET**, a partner of the Firm, received his Juris Doctor, *cum laude*, from The Dickinson School of Law of the Pennsylvania State University, and his BA, *cum laude*, from the Schreyer Honors College of The Pennsylvania State University. While in law school, Mr. Sweet served as Articles Editor of the *Dickinson Law Review*, and was also awarded Best Oral Advocate and Best Team in the ATLA Mock Trial Competition.

Mr. Sweet concentrates his practice exclusively in the area of securities litigation and has helped obtain significant recoveries on behalf of class members in several nationwide federal securities class actions, including *In re Tyco, Int'l Sec. Litig.*, No. 02-1335-B (D.N.H.) (\$3.2 billion total recovery for class members), *In re CVS, Inc. Sec. Litig.*, No. 01-11464-JLT (D. Mass.) (\$110 million recovery for class members), *In re PNC Fin. Svcs. Group Inc. Sec. Litig.*, No. 02-CV-271 (W.D. Pa.) (\$39 million recovery for class members) and *In re Wireless Facilities, Inc. Sec. Litig.*, No. 04-cv-01589, (S.D. Ca.) (\$12 million recovery for class members).

Mr. Sweet is currently serving as one of the litigating partners in several nationwide federal securities class actions, including *In re Pfizer Inc. Sec. Litig.*, No. 04-Civ 9866 (LTS) (S.D.N.Y.), *In re Thornburg Mortgage, Inc. Sec. Litig.*, 1:07-cv-00815-JB-WDS (D.N.M.), *In re Citigroup Inc. Bond Litigation*, No. 08-Civ-9522 (SHS), (S.D.N.Y.), *In re Wachovia Preferred Securities and Bond/Notes Litig.*, No. 09-Civ. 6351 (RJS), (S.D.N.Y.) and *In re NeuroMetrix Inc. Sec. Litig.*, No. 08-cv-10434-RWZ (D. Mass.).

Prior to joining Kessler Topaz, Mr. Sweet practiced with Reed Smith LLP in Pittsburgh, where he specialized in antitrust and complex civil litigation. Mr. Sweet is licensed to practice law in the Commonwealth of Pennsylvania, the United States District Court for the Western District of Pennsylvania, and the United States Courts of Appeals for the Second, Third and Ninth Circuits. Honors include being selected by his peers as a Pennsylvania Super Lawyers *Rising Star*, a distinction bestowed annually on no more than 2.5% of Pennsylvania lawyers under the age of 40.

**MARC A. TOPAZ**, a partner of the Firm, received his law degree from Temple University School of Law, where he was an editor of the *Temple Law Review* and a member of the Moot Court Honor Society. He also received his Master of Law (L.L.M.) in taxation from the New York University School of Law, where he served as an editor of the *New York University Tax Law Review*. He is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania. Mr. Topaz oversees the Firm's derivative, transactional and case development departments. In this regard, Mr. Topaz has been heavily involved in all of the Firm's cases related to the subprime mortgage crisis, including cases seeking recovery on behalf of shareholders in companies affected by the subprime crisis, as well as cases seeking recovery for 401K plan participants that have suffered losses in their retirement plans. Mr. Topaz has also played an instrumental role in the Firm's option backdating litigation. These cases, which are pled mainly as derivative claims or as securities law violations, have served as an important vehicle both for re-pricing erroneously issued options and providing for meaningful corporate governance changes. In his capacity as the Firm's department leader of case initiation and development, Mr. Topaz has been involved in many of the Firm's most prominent cases, including *In re Initial Public Offering Sec. Litig.*, Master File No. 21 MC 92(SAS) (S.D.N.Y. Dec. 12, 2002); *Wanstrath v. Doctor R. Crants, et al.*, No. 99-1719-111 (Tenn. Chan. Ct., 20th Judicial District, 1999); *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled — \$3.2 billion); and virtually all of the 80 options backdating cases in which the Firm is serving as Lead or Co-Lead Counsel. Mr. Topaz has played an important role in the Firm's focus on remedying breaches of fiduciary duties by corporate officers and directors and improving corporate governance practices of corporate defendants.

**MICHAEL C. WAGNER**, a partner of the Firm, handles class-action transactional litigation and shareholder derivative litigation for the Firm's individual and institutional clients. Since joining Kessler Topaz, Mr. Wagner has enjoyed success in cases that achieved substantial monetary recoveries for stockholders of public companies in cases arising from corporate mergers and acquisitions, including: *In re Genentech, Inc. Shareholders Litigation*, Consolidated C.A. No. 3911-VCS (Del. Ch.) (settlement achieved a \$3.9 billion benefit for Genentech's stockholders in a merger with Roche); *In re Anheuser Busch Companies, Inc. Shareholders Litigation*, Consolidated C.A. No. 3851-VCP (Del. Ch.) (settlement required enhanced disclosures to stockholders and resulted in a \$5 per share increase in the price paid by InBev in its acquisition of Anheuser-Busch).

Mr. Wagner has also had a lead role in litigation that resulted in enhanced shareholder rights and corporate reforms in merger contexts, including: *In re SkyTerra Communications, Inc. Shareholder Litigation*, Consolidated C.A. No. 4987-CC (Del. Ch.) (settlement requires that a going-private merger with a controlling stockholder be approved by a majority vote of unaffiliated minority stockholders) (pending); *In re Emulex Shareholder Litigation*, Consolidated C.A. No. 4536-VCS (Del. Ch.) (litigation caused company to redeem "poison pill" stock plan and rescind supermajority bylaw); *Solomon v. Take-Two Interactive Software, Inc.*, C.A. No. 3064-VCL (Del. Ch.) (settlement required substantial enhanced disclosures to stockholders regarding executive compensation matters in advance of director elections, and litigation caused company to redeem "poison pill" stock plan). Mr. Wagner has also been involved in shareholder derivative cases involving executive compensation matters, such as *In re KV Pharmaceutical Co., Inc., Derivative Litigation*, Case No. 4:07-cv-00384-HEA (E.D. Mo.) (litigation caused executives to make financial remediation of approximately \$3 million and resulted in enhanced internal controls at the company concerning financial reporting); *In re Medarex, Inc. Derivative Litigation*, Case No. MER-C-26-08 (N.J. Super.) (settlement resulted in approximately \$9 million in financial remediation and substantial corporate governance reforms related to executive compensation).

A graduate of Franklin and Marshall College and the University of Pittsburgh School of Law, Mr. Wagner has clerked for two appellate court judges and began his practice as a commercial litigator at a Philadelphia-based litigation firm, representing clients in business and corporate disputes across the United States. Mr. Wagner has also represented Fortune 500 companies in employment litigation. He has extensive nationwide litigation experience and is admitted to practice in the courts of Pennsylvania,

the United States Court of Appeals for the Third Circuit, and the United States District Courts for the Eastern and Western Districts of Pennsylvania, the Eastern District of Michigan, and the District of Colorado.

**JOHNSTON de F. WHITMAN, JR.**, a partner of the Firm, focuses his practice on securities litigation. Mr. Whitman graduated cum laude from Colgate University. He received his law degree from Fordham University School of Law, where he was a member of the Fordham International Law Journal. He is licensed to practice in Pennsylvania and New York as well as before the United States Courts of Appeals for the Second and Fourth Circuits. Prior to joining the Firm, Mr. Whitman was a partner of Entwistle & Cappucci LLP in New York, where he also concentrated his practice on securities litigation.

Mr. Whitman has represented institutional investors in obtaining substantial recoveries in numerous securities fraud class actions, including *In re Royal Ahold Sec. Litig.*, No. 03-md-01539 (D. Md. 2003) (settled -- \$1.1 billion); *In re DaimlerChrysler AG Sec. Litig.*, No. 00-0993 (D. Del. 2000) (settled -- \$300 million); and *In re Dollar General, Inc. Sec. Litig.*, No. 01-cv-0388 (M.D. Tenn. 2001) (settled \$162 million). Mr. Whitman has also obtained favorable recoveries for institutional investors pursuing direct securities fraud claims, including cases against Qwest Communications International, Inc. and Merrill Lynch & Co., Inc.

**ROBIN WINCHESTER**, a partner of the Firm, received her Bachelor of Science degree in Finance from St. Joseph's University. Ms. Winchester then earned her Juris Doctor degree from Villanova University School of Law, and is licensed to practice law in Pennsylvania and New Jersey. After law school, Ms. Winchester served as a law clerk to the Honorable Robert F. Kelly in the United States District Court for the Eastern District of Pennsylvania.

After joining KTMC, Ms. Winchester concentrated her practice in the areas of securities litigation and lead plaintiff litigation. Presently, Ms. Winchester concentrates her practice in the area of shareholder derivative actions, and, most recently, has served as lead counsel in numerous high-profile derivative actions relating to the backdating of stock options, including *In re Eclipsys Corp. Derivative Litigation*, Case No. 07-80611-Civ-MIDDLEBROOKS (S.D. Fla.); *In re Juniper Derivative Actions*, Case No. 5:06-cv-3396-JW (N.D. Cal.); *In re McAfee Derivative Litigation*, Master File No. 5:06-cv-03484-JF (N.D. Cal.); *In re Quest Software, Inc. Derivative Litigation*, Consolidated Case No. 06CC00115 (Cal. Super. Ct., Orange County); and *In re Sigma Designs, Inc. Derivative Litigation*, Master File No. C-06-4460-RMW (N.D. Cal.). Settlements of these, and similar, actions have resulted in significant monetary returns and corporate governance improvements for those companies, which, in turn, greatly benefits their public shareholders.

**MICHAEL K. YARNOFF**, a partner of the Firm, received his law degree from Widener University School of Law. Mr. Yarnoff is licensed to practice law in Pennsylvania, New Jersey, and Delaware and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. In addition to actively litigating and assisting in achieving the historic Tyco settlement, Mr. Yarnoff served as the primary litigating partner on behalf of Kessler Topaz in the following cases: *In re CVS Corporation Sec. Litig.*, C.A. No. 01-11464 JLT (D.Mass. 2001) (settled — \$110 million); *In re Transkaryotic Therapies, Inc. Sec. Litig.*, Civil Action No. 03-10165-RWZ (D.Mass. 2003) (settled — \$50 million); *In re Riverstone Networks, Inc. Sec. Litig.*, Case No. CV-02-3581 (N.D. Cal. 2002) (settled — \$18.5 million); *In re Zale Corporation Sec. Litig.*, 06-CV-1470 (N.D. Tex. 2006) (settled — \$5.9 million); *Gebhard v. ConAgra Foods Inc., et al.*, 04-CV-427 (D. Neb. 2004) (settled — \$14 million); *Reynolds v. Repsol YPF, S.A., et al.*, 06-CV-733 (S.D.N.Y. 2006) (settled — \$8 million); and *In re InfoSpace, Inc. Sec. Litig.*, 01-CV-913 (W.D. Wash. 2001) (settled — \$34.3 million).

**ERIC L. ZAGAR**, a partner of the Firm, received his law degree from the University of Michigan Law School, cum laude, where he was an Associate Editor of the *Michigan Law Review*. He has practiced law



in Pennsylvania since 1995, and previously served as a law clerk to Justice Sandra Schultz Newman of the Pennsylvania Supreme Court. He is admitted to practice in Pennsylvania, California, and New York.

In addition to his extensive options backdating practice, Mr. Zagar concentrates his practice in the area of shareholder derivative litigation. In this capacity, Mr. Zagar has served as Lead or Co-Lead counsel in numerous derivative actions in courts throughout the nation, including *David v. Wolfen*, Case No. 01-CC-03930 (Orange County, CA 2001) (Broadcom Corp. Derivative Action); and *In re Viacom, Inc. Shareholder Derivative Litig.*, Index No. 602527/05 (New York County, NY 2005). Mr. Zagar has successfully achieved significant monetary and corporate governance relief for the benefit of shareholders, and has extensive experience litigating matters involving Special Litigation Committees. Mr. Zagar is also a featured speaker at Kessler Topaz's annual symposium on corporate governance.

**TERENCE S. ZIEGLER**, a partner of the Firm, received his law degree from the Tulane University School of Law and received his undergraduate degree from Loyola University. He has concentrated a significant percentage of his practice to the investigation and prosecution of pharmaceutical antitrust actions, medical device litigation, and related anticompetitive and unfair business practice claims. Specific examples include: *In re Flonase Antitrust Litigation*; *In re Wellbutrin SR Antitrust Litigation*; *In re Modafinil Antitrust Litigation*; *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation* (against manufacturers of defective medical devices — pacemakers/implantable defibrillators — seeking costs of removal and replacement); and *In re Actiq Sales and Marketing Practices Litigation* (regarding drug manufacturer's unlawful marketing, sales and promotional activities for non-indicated and unapproved uses).

Mr. Ziegler is licensed to practice law in the State of Louisiana, and has been admitted to practice before several courts including the United States Court of Appeals for the Third Circuit.

**ANDREW L. ZIVITZ**, a partner of the Firm, received his law degree from Duke University School of Law, and received a Bachelor of Arts degree, with distinction, from the University of Michigan, Ann Arbor.

Mr. Zivitz concentrates his practice in the area of securities litigation. Mr. Zivitz has served as one of the litigating partners on the following settled matters in which Kessler Topaz was Lead or Co-Lead Counsel: *In re Tenet Healthcare Corp.*, 02-CV-8462 (C.D. Cal. 2002) (settled — \$281.5 million); *In re Computer Associates Sec. Litig.*, No. 02-CV-122 6 (E.D.N.Y. 2002) (settled — \$150 million); *In re McLeod USA Inc. Sec. Litig.*, No. C02-0001-MWB (N.D. Iowa 2002) (settled — \$30 million); *In re Barrick Gold Sec. Litig.*, 03-cv-04302 (S.D.N.Y. 2003) (settled — \$24 million); *In re Friedman's, Inc. Sec. Litig.*, 03-CV-3475 (N.D. Ga. 2003) (settled — \$14.95 million); *In re Check Point Technologies Ltd. Sec. Litig.*, 03-CV-6594 (S.D.N.Y. 2003) (settled — \$13 million); *In re Avista Corporation Sec. Litig.*, 03-CV-328 (E.D. Wash. 2003) (settled — \$9.5 million); and *In re Ligand Pharmaceuticals, Inc. Sec. Litig.*, 3:04 cv 01620 (S.D. Cal. 2004) (settled — \$8 million).

Mr. Zivitz has litigated cases in federal district and appellate courts throughout the country, including two successful appeals before the United States Court of Appeals for the Ninth Circuit in *In re Merix Sec. Litig.*, 04-cv-00826 (D.Or. 2004) and *In re Leadis Sec. Litig.*, 05-cv-00882 (N.D.Ca. 2005).

Most recently, Mr. Zivitz served as one of the lead trial attorneys for the shareholder class in the *BankAtlantic Bancorp Inc. Securities Litigation*. Following a 4-week trial in the fall of 2010, a federal jury in Miami reached a verdict in the plaintiffs' favor, finding that BankAtlantic Bancorp, Inc. and two senior officers committed securities fraud by misrepresenting and failing to disclose the true risk in BankAtlantic's troubled real estate loan portfolio in 2007. The jury found that the fraud caused investors to overpay for BankAtlantic stock during the class period, resulting in millions of dollars in damages. This is the first securities class action case arising out of the financial crisis to proceed to jury verdict and only the 6th plaintiffs' verdict to be awarded by a jury since the 1995 enactment of the Private Securities



Litigation Reform Act. **On April 25, 2011, the judge presiding over the trial, Judge Ursula Ungaro, vacated the jury's verdict on a discrete legal issue. Kessler Topaz has appealed the decision and is looking forward to a favorable review of the issue by the appellate court.**

Mr. Zivitz also lectures and serves on discussion panels concerning securities litigation matters. Mr. Zivitz recently was a faculty member at the Pennsylvania Bar Institute's workshop entitled, "Securities Liability in Turbulent Times: Practical Responses to a Changing Landscape."

## **ASSOCIATES AND OTHER PROFESSIONALS**

**JULES D. ALBERT**, an associate of the Firm, concentrates his practice in mergers and acquisition litigation and stockholder derivative litigation. Mr. Albert is licensed to practice law in Pennsylvania, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Mr. Albert has litigated in state and federal courts across the country, and has represented stockholders in numerous actions that have resulted in significant monetary recoveries and corporate governance improvements, including: *In re Sunrise Senior Living, Inc. Deriv. Litig.*, No. 07-00143 (D.D.C.); *Mercier v. Whittle, et al.*, No. 2008-CP-23-8395 (S.C. Ct. Com. Pl., 13th Jud. Cir.); *In re K-V Pharmaceutical Co. Deriv. Litig.*, No. 06-00384 (E.D. Mo.); *In re Progress Software Corp. Deriv. Litig.*, No. SUCV2007-01937-BLS2 (Mass. Super. Ct., Suffolk Cty.); *In re Quest Software, Inc. Deriv. Litig.* No 06CC00115 (Cal. Super. Ct., Orange Cty.); and *Quaco v. Balakrishnan, et al.*, No. 06-2811 (N.D. Cal.).

Mr. Albert received his law degree from the University of Pennsylvania Law School, where he was a Senior Editor of the *University of Pennsylvania Journal of Labor and Employment Law* and recipient of the James Wilson Fellowship. Mr. Albert also received a Certificate of Study in Business and Public Policy from The Wharton School at the University of Pennsylvania. Mr. Albert graduated magna cum laude with a Bachelor of Arts in Political Science from Emory University.

**NAUMON A. AMJED**, an associate of the Firm, has significant experience conducting complex litigation in state and federal courts including federal securities class actions, shareholder derivative actions, suits by third-party insurers and other actions concerning corporate and alternative business entity disputes. Mr. Amjed has litigated in numerous state and federal courts across the country, including the Delaware Court of Chancery, and has represented shareholders in several high profile lawsuits, including: *LAMPERS v. CBOT Holdings, Inc. et al.*, C.A. No. 2803-VCN (Del. Ch.); *In re Alstom SA Sec. Litig.*, 454 F. Supp. 2d 187 (S.D.N.Y. 2006); *In re Global Crossing Sec. Litig.*, 02— Civ. — 910 (S.D.N.Y.); *In re Enron Corp. Sec. Litig.*, 465 F. Supp. 2d 687 (S.D. Tex. 2006); and *In re Marsh McLennan Cos., Inc. Sec. Litig.* 501 F. Supp. 2d 452 (S.D.N.Y. 2006).

Prior to joining the Firm, Mr. Amjed was associated with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A. Mr. Amjed is a graduate of the Villanova University School of Law, cum laude, and holds an undergraduate degree in business administration from Temple University, cum laude. Mr. Amjed is a member of the Delaware State Bar, the Bar of the Commonwealth of Pennsylvania and is admitted to practice before the United States Court for the District of Delaware.

**STEFANIE ANDERSON**, an associate in the Firm's Radnor office, received her law degree from Villanova University School of Law and her Bachelor of Arts degree from Bucknell University. While in law school, Ms. Anderson served as a judicial extern for The Honorable George A. Pagano of the Delaware County Court of Common Pleas. Ms. Anderson also participated in the Civil Justice Clinic, representing indigent clients in civil litigation matters.

Prior to joining Kessler Topaz, Ms. Anderson was a litigation associate at McCann & Geschke, P.C. in Philadelphia, PA. Ms. Anderson is licensed to practice in Pennsylvania and concentrates her practice in mergers and acquisitions litigation and shareholder derivative litigation.

**ALI M. AUDI**, a staff attorney of the Firm, received his law degree from The Pennsylvania State University, Dickinson School of Law, where he was a member of the Trial and Appellate Moot Court boards. He received his Bachelor of Arts in Journalism from The Pennsylvania State University. Mr. Audi is licensed to practice before the state courts of Pennsylvania and New Jersey, and the United States District Court for the District of New Jersey. He concentrates his practice in the area of securities litigation.

**KRYSTN AVDOVIC**, a staff attorney of the Firm, received her law degree from the University of Miami School of Law and her undergraduate degree in Political Science and Spanish, cum laude, from Mount Saint Mary's University.

Prior to joining Kessler Topaz, Ms. Avdovic practiced employment law and was in-house counsel at Philadelphia Corporation for Aging. Ms. Avdovic is licensed to practice law in Pennsylvania and Nevada and is admitted to practice in the United States District Court for the Eastern District of Pennsylvania. She now concentrates her practice in the area of securities litigation.

**ADRIENNE BELL**, an associate of the Firm, received her law degree from Brooklyn Law School and her undergraduate degree in Music Theory and Composition from New York University, where she graduated *magna cum laude*. Prior to joining the Firm, Ms. Bell practiced in the areas of mass tort, commercial and general liability litigation. Ms. Bell is licensed to practice in Pennsylvania and Nevada, and works in the Firm's case development department.

**MATTHEW BENEDICT**, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. Prior to joining the firm, he worked as a staff attorney in the White Collar / Securities Litigation department at Dechert LLP. Mr. Benedict earned his law degree from Villanova University School of Law and his undergraduate degree from Haverford College. He is licensed to practice law in Pennsylvania and New Jersey.

**RONALD W. BOAK**, a staff attorney of the Firm, received his law degree from the University of Detroit School of Law. He is licensed to practice law in Pennsylvania and admitted to practice before the United States District Courts for the Eastern District of Pennsylvania. He holds a Masters of Science in Electrical Engineering and worked as an in-house expert for a Fortune 500 company prior to becoming a lawyer. He concentrates his practice at Kessler Topaz in the area of securities litigation.

Prior to joining Kessler Topaz, he worked as a staff attorney at Dechert, LLC in the White Collar and Securities Litigation group representing defendants in mass-tort litigation. He also worked at a Philadelphia boutique law firm specializing in products liability defense work and has represented clients in many state and Federal jurisdictions throughout the United States.

**ANDREW J. BOVE**, a staff attorney of the Firm, received his law degree from Villanova University School of Law and a B.S. in Business and Psychology from Pennsylvania State University. Mr. Bove is licensed to practice before the state courts of Pennsylvania and New Jersey. He concentrates his practice in the area of securities litigation.

Prior to joining Kessler Topaz, Mr. Bove was the Acquisitions & Operations Manager and in-house counsel for a residential real estate development company and an associate with the Philadelphia firm Klett, Rooney, Lieber & Schorling.

**SUZANNE M. BRUNEY**, a staff attorney at the Firm, received her law degree from Villanova University School of Law. She received her Bachelor of Arts in Criminal Justice from Temple University in Philadelphia, Pennsylvania. Ms. Bruney is licensed to practice law in Pennsylvania, New Jersey and the United States Virgin Islands. She is admitted to the United States District Court for the District of New Jersey, the Eastern District of Pennsylvania and the District of the United States Virgin Islands.

Prior to joining Kessler Topaz, Ms. Bruney was an associate at Gollatz, Griffin & Ewing, P.C. in Philadelphia, Pennsylvania where she concentrated her practice on product liability and mass tort matters. Ms. Bruney also has experience representing regionally based chemical and pharmaceutical clients in defense of antitrust and other complex litigation matters as well as government investigations. She concentrates her practice at Kessler Topaz in the area of securities litigation.

**BETHANY O'NEILL BYRNE**, a staff attorney of the Firm, received her law degree from the Widener University School of Law in Delaware and her undergraduate degree from Villanova University. She is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey. Ms. Byrne concentrates her practice in the area of securities litigation.

**ELIZABETH WATSON CALHOUN**, a staff attorney of the Firm, focuses on securities litigation. She has represented investors in major securities fraud and has also represented shareholders in derivative and direct shareholder litigation. Prior to joining the Firm, Ms. Calhoun was employed with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A.

Ms. Calhoun received her law degree from Georgetown University Law Center (*cum laude*), where she served as Executive Editor of the Georgetown Journal of Gender and the Law. She received her undergraduate degree in Political Science from the University of Maine, Orono (*with high distinction*).

Ms. Calhoun is admitted to practice before the state court of Pennsylvania and the U.S. District Court for the Eastern District of Pennsylvania.

**QUIANA CHAPMAN-SMITH**, a staff attorney at the Firm, received her law degree from Temple University Beasley School of Law in Pennsylvania and her Bachelor of Science in Management and Organizations from The Pennsylvania State University. Prior to joining Kessler Topaz, she worked in pharmaceutical litigation. She is licensed to practice law in the Commonwealth of Pennsylvania. Ms. Chapman-Smith concentrates her practice in the area of securities litigation.

**MICHELLE A. COCCAGNA**, an associate of the Firm, received her law degree from Villanova University School of Law in 2007 and her Bachelor of Science degree, magna cum laude, in Finance and International Business from Villanova University in 2004. She is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the District of New Jersey and the United States District Court for the Eastern District of Pennsylvania. Prior to joining Kessler Topaz, Ms. Coccagna worked as in-house counsel for a financial services firm in New York City. She concentrates her practice in the areas of consumer protection and wage and hour litigation.

**KARIN BALTIMORE CONNELLY**, a staff attorney of the Firm, received her law degree from Widener University School of Law in Delaware. She received her undergraduate degree from Ithaca College and her Master's degree from Syracuse University's Newhouse School of Communications. Prior to joining Kessler Topaz, Ms. Connelly was a project attorney at Aetna Inc., where she worked in the litigation department.

Ms. Connelly is licensed to practice law in the Commonwealth of Pennsylvania and the State of Maryland. She concentrates her practice in the areas of shareholder derivative actions and mergers and acquisitions.

**JASON CONWAY**, a staff attorney of the Firm, received his law degree from the Queensland University of Technology, Australia in 2003, where he was published in the journal of the national plaintiff lawyers' association. While completing his studies, Mr. Conway clerked for a criminal defense firm where he participated in trials and related litigation.

Prior to joining Kessler Topaz, Mr. Conway worked with the Philadelphia law firm of Sheller, Ludwig & Badey, P.C., where he litigated complex class action matters, including tobacco, environmental and product liability cases. Mr. Conway is licensed to practice law in the State of New York and has been admitted to practice before the United States Court of Appeals for the 9th Circuit. Mr. Conway concentrates his practice in the area of FLSA and wage and hour litigation.

**ALTHEA H. CRABTREE**, a staff attorney of the Firm, received her law degree from the Temple University Beasley School of Law and earned her B.A. degree from Temple University where she majored in English. She is licensed to practice law in Pennsylvania and admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Prior to joining Kessler Topaz, Ms. Crabtree worked at the Philadelphia law firm Dechert LLP where she practiced in the areas of antitrust and white collar crime. She concentrates her practice at Kessler Topaz in securities litigation.

**JOSHUA E. D'ANCONA**, an associate of the Firm, received his J.D., magna cum laude, from the Temple University Beasley School of Law in 2007, where he served on the Temple Law Review and as president of the Moot Court Honors Society. Before joining the Firm in 2009, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania. Mr. D'Ancona graduated with honors from Wesleyan University. He is licensed to practice in Pennsylvania and New Jersey, and practices in the securities litigation and lead plaintiff departments of the firm.

**MARK S. DANEK**, an associate of the Firm, received his undergraduate degree in Architecture from Temple University in 1996, and his law degree from Duquesne University School of Law in 1999. Prior to joining Kessler Topaz, Mr. Danek was employed as in-house counsel of a real estate investment trust corporation that specialized in the collection of delinquent property tax receivables. He is licensed to practice law in the Commonwealth of Pennsylvania and has been admitted to practice before the Courts of the Commonwealth of Pennsylvania, the United States District Court for the Western District of Pennsylvania and the Supreme Court of the United States of America. Mr. Danek concentrates his practice in the area of securities litigation.

**JONATHAN R. DAVIDSON**, an associate of the Firm, is a graduate of The George Washington University where he received his Bachelor of Arts, summa cum laude, in Political Communication. Mr. Davidson received his Juris Doctor and Dispute Resolution Certificate from Pepperdine University School of Law and is licensed to practice law in the state of California. Prior to joining the firm, Mr. Davidson served as In-House Counsel for a real estate development company in Los Angeles.

Mr. Davidson concentrates his practice at Kessler Topaz in the areas of shareholder litigation and institutional investor relations. He consults with Firm clients regarding their rights and responsibilities with respect to their investments and taking an active role in shareholder litigation. Mr. Davidson also assists clients in evaluating what systems they have in place to identify and monitor shareholder and consumer litigation that has an impact on their funds, and helps them assess the strength of such cases and to what extent they may be affected by the alleged misconduct. Mr. Davidson currently works with numerous U.S. institutional investors, including public pension systems at the state, county and municipal level, as well as Taft-Hartley funds across all trades. Mr. Davidson has also spoken on the subjects of shareholder litigation, corporate governance, investor activism and recovery of investment losses, and has

written articles on these topics for various publications, most notably the International Foundation's Benefits Magazine.

**RYAN T. DEGNAN**, an associate of the Firm, received his law degree from Temple University Beasley School of Law in 2010, where he was a Notes and Comments Editor for the Temple Journal of Science, Technology & Environmental Law. Mr. Degnan earned his undergraduate degree in Biology from The Johns Hopkins University in 2004. While a law student, Mr. Degnan served as a Judicial Intern to the Honorable Gene E.K. Pratter of the United States District Court for the Eastern District of Pennsylvania. Mr. Degnan is licensed to practice in Pennsylvania and is a member of the Firm's lead plaintiff litigation practice group.

**BENJAMIN J. DE GROOT**, a staff attorney of the Firm, received his law degree from Columbia Law School where he was a Stone Scholar. He earned his B.A., with honors, in Philosophy and German Studies from the University of Arizona. Mr. de Groot is licensed to practice law in Pennsylvania and New York.

Prior to joining Kessler Topaz, Mr. de Groot was V.P. of Operations and counsel at AISG, a security integration company he helped establish in New York. Prior to that he practiced litigation as an associate at Cleary Gottlieb Steen and Hamilton, LLP. His practice focuses on managing the Firm's ongoing litigation discovery.

**SCOTT DePHILLIPS**, a staff attorney at the Firm, received his law degree from Widener University School of Law in Delaware. While in law school, Mr. DePhillips participated in the Delaware Civil Clinic where he represented clients and appeared in Court on their behalf. After law school, Mr. DePhillips was an Associate with the law firm of Maron & Marvel in Wilmington, Delaware and Federman & Phelan in Philadelphia, Pennsylvania. He also represented clients throughout New Jersey in Municipal Court. Mr. DePhillips holds a Master's degree in Public Administration from American University in Washington, D.C. and a Bachelor's degree in English from Seton Hall University. He attended The Washington Center in Washington, D.C. as well, where he met with foreign dignitaries, members of Congress and government officials. Mr. DePhillips is licensed to practice law in the Commonwealth of Pennsylvania and New Jersey. He concentrates his practice in the area of securities litigation.

**DONNA EAGLESON**, a staff attorney of the Firm, received her law degree from the University of Dayton School of Law in Dayton, Ohio. Prior to joining Kessler Topaz, Ms. Eagleson worked as an attorney in the law enforcement field, and practiced insurance defense law with the Philadelphia firm Margolis Edelstein. Ms. Eagleson is licensed to practice law in Pennsylvania and concentrates in the area of securities litigation discovery matters.

**JENNIFER L. ENCK**, an associate of the Firm, received her law degree, cum laude, from Syracuse University College of Law in 2003 and her undergraduate degree in International Politics from The Pennsylvania State University in 1999. Ms. Enck also received a Masters degree in International Relations from Syracuse University's Maxwell School of Citizenship and Public Affairs.

Prior to joining Kessler Topaz, Ms. Enck was an associate with Spector, Roseman & Kodroff, P.C. in Philadelphia, where she worked on a number of complex antitrust, securities and consumer protection cases. Ms. Enck is licensed to practice law in Pennsylvania. She concentrates her practice in the areas of securities litigation and settlement matters.

**TRICIA G. FERGUSON**, a staff attorney at the Firm, received her law degree from Villanova University School of Law and her undergraduate degree in Political Science and Government from University of Pittsburgh.

Ms. Ferguson is licensed to practice law in the Commonwealth of Pennsylvania and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania. She concentrates her practice in the area of securities litigation.

**CATHERINE A. FOLEY**, a staff attorney of the Firm, received her law degree from the Temple University James E. Beasley School of Law. Ms. Foley received her Bachelor of Arts degree, cum laude, from Sonoma State University. Prior to joining Kessler Topaz, she worked in pharmaceutical litigation and assisted at the Philadelphia Center for Civil Rights. She is licensed to practice law in Pennsylvania and New Jersey. Ms. Foley concentrates her practice in the area of securities litigation.

**KIMBERLY V. GAMBLE**, a staff attorney at the Firm, received her law degree from Widener University, School of Law in Wilmington, DE. While in law school she was a CASA/Youth Advocates volunteer and had internships with the Delaware County Public Defender's Office as well as The Honorable Judge Ann Osborne in Media, Pennsylvania. She received her Bachelor of Arts degree in Sociology from The Pennsylvania State University.

Prior to joining Kessler Topaz, she worked in pharmaceutical litigation and now concentrates her practice in the area of securities litigation. Ms. Gamble is licensed to practice law in the Commonwealth of Pennsylvania.

**WARREN GASKILL**, a staff attorney at the Firm, received his law degree from the Widener University School of Law, Wilmington, DE and his undergraduate degree from Rutgers, the State University of New Jersey, New Brunswick, NJ. Immediately following law school, Mr. Gaskill served as a law clerk for The Honorable Valerie H. Armstrong, A.J.S.C., New Jersey Superior Court, in Atlantic City, NJ. Prior to joining Kessler Topaz, Mr. Gaskill was an associate at the Atlantic City, NJ based law firm of Cooper, Levenson, April, Neidelman, and Wagenheim PA. Mr. Gaskill concentrates in the area of securities law and is admitted to bar in Pennsylvania, New Jersey and the U.S. District Court, District of New Jersey.

**SATI GIBSON**, a staff attorney at the Firm, received her law degree from Boston College Law School and her undergraduate degree in Political Science from Oberlin College. Ms. Gibson is licensed to practice law in Pennsylvania and is admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Prior to joining Kessler Topaz, Ms. Gibson worked as a staff attorney at Legal Aid of Southeastern Pennsylvania, representing the senior population in a variety of cases, including bankruptcy and guardianship matters. She now concentrates her practice at Kessler Topaz in the area of securities litigation.

**TYLER S. GRADEN**, an associate of the Firm, received undergraduate degrees in Economics and International Relations, cum laude, from American University, and his Juris Doctor degree, cum laude, from Temple Law School. Mr. Graden is licensed to practice law in Pennsylvania and New Jersey. In addition, he is admitted to practice before the United States District Courts for the Eastern District of Pennsylvania, the Western District of Pennsylvania, and the District of New Jersey. Mr. Graden concentrates his practice in the areas of ERISA, employment law and consumer protection litigation.

Prior to joining Kessler Topaz, Mr. Graden practiced with the Philadelphia law firm Conrad O'Brien where he litigated various complex commercial matters. Mr. Graden also has experience working in the legal department of a Fortune 500 company and prosecuting criminal matters on behalf of the Philadelphia District Attorney's Office. Prior to attending law school, Mr. Graden served as an investigator at the Equal Employment Opportunity Commission, where he investigated and resolved individual and systemic claims of employment discrimination.



**JOHN J. GROSS**, an associate of the Firm, received his law degree from Widener University School of Law, and his undergraduate degree from Temple University. Mr. Gross is licensed to practice law in Pennsylvania, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the Second Circuit Court of Appeals, the Ninth Circuit Court of Appeals and the United States Supreme Court. Mr. Gross concentrates his practice in the area of securities litigation.

**MARK K. GYANDOH**, an associate of the Firm, received his undergraduate degree from Haverford College and his law degree from Temple University School of Law. While attending law school, Mr. Gyandoh served as the research editor for the *Temple International and Comparative Law Journal*. He also interned as a judicial clerk for the Honorable Dolores K. Sloviter of the U.S. Court of Appeals for the Third Circuit and the Honorable Jerome B. Simandle of the U.S. District Court for New Jersey.

After graduating from law school Mr. Gyandoh was employed as a judicial clerk for the Honorable Dennis Braithwaite of the Superior Court of New Jersey Appellate Division. Mr. Gyandoh is the author of "Foreign Evidence Gathering: What Obstacles Stand in the Way of Justice?" 15 Temp. Int'l & Comp. L.J. (2001) and "Incorporating the Principle of Co-Equal Branches into the European Constitution: Lessons to Be Learned from the United States" found in *Redefining Europe* (2005).

Mr. Gyandoh is licensed to practice in New Jersey and Pennsylvania and concentrates in the area of ERISA, antitrust and consumer protection. Mr. Gyandoh litigates ERISA fiduciary breach class actions across the country and was recently part of one of the few trial teams that have ever tried a "company stock" imprudent investment case to verdict in *Brieger et al. v. Tellabs, Inc.*, No. 06-CV-01882 (N.D. Ill.).

**LIGAYA T. HERNANDEZ**, an associate of the Firm, received her J.D. and a Health Law Certificate from Loyola University Chicago. While in law school she served as Senior Editor for the *Annals of Health Law Journal*, received the CALI Award for highest grade in Appellate Advocacy, and was on the Dean's List. Ms. Hernandez also served as a judicial extern for the Honorable Mary Anne Mason of the Circuit Court of Cook County, Illinois.

Ms. Hernandez received a Master in Health Services Administration in Health Policy from The George Washington University and a Bachelor of Science degree in Biology from the University of Pittsburgh. She is licensed to practice law in Pennsylvania and New Jersey and is admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Ms. Hernandez concentrates her practice in the areas of mergers and acquisitions and shareholder derivative actions.

**JENNIFER L. JOOST**, an associate of the Firm, received her law degree, cum laude, from Temple University Beasley School of Law, where she was the Special Projects Editor for the *Temple International and Comparative Law Journal*. Ms. Joost earned her undergraduate degree in History, with honors, from Washington University in St. Louis in 2003. She is licensed to practice in Pennsylvania and New Jersey and admitted to practice before the United States Courts of Appeals for the Second, Fourth, Ninth, and Eleventh Circuits, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. She concentrates her practice at Kessler Topaz in the area of securities litigation.

Ms. Joost has served as an associate on the following matters: *In re Wireless Facilities, Inc.*, No. 04-CV-1589-JAH (NLS) (S.D. Cal.) and *In re ProQuest Inc. Securities Litigation*, No. 2:06-cv-10619 (E.D. Mich.). Additionally, she is currently serving as an associate on the following matters: *In re UBS AG Securities Litigation*, No. 1:07-cv-11225-RJS, currently pending in the United States District Court for the Southern District of New York; *Luther, et al. v. Countrywide Financial Corp.*, No. BC 380698, currently pending in the Superior Court of the State of California, County of Los Angeles; and *In re*



*Citigroup, Inc. Bond Litig.*, No. 08 Civ. 9522 (SHS), currently pending in the United States District Court for the Southern District of New York.

**STACEY KAPLAN**, an associate in the Firm's San Francisco office, received her Bachelor of Business Administration from the University of Notre Dame in 2002, with majors in Finance and Philosophy. Ms. Kaplan received her J.D. from the University of California at Los Angeles School of Law in 2005.

During law school, Ms. Kaplan served as a Judicial Extern to the Honorable Terry J. Hatter, Jr., United States District Court, Central District of California. Prior to joining the firm, Ms. Kaplan was an associate with Robbins Geller Rudman & Dowd LLP in San Diego, California.

Ms. Kaplan concentrates her practice on prosecuting securities class actions. She is admitted to the California Bar and is licensed to practice in all California state courts, as well as the United States District Courts for the Northern and Central Districts of California.

**D. SEAMUS KASKELA**, an associate of the Firm, received his B.S. in Sociology from Saint Joseph's University, his M.B.A. from The Pennsylvania State University, and his law degree from Rutgers School of Law – Camden. Mr. Kaskela is licensed to practice law in Pennsylvania and New Jersey, and is admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Mr. Kaskela works in the Firm's case development department.

**MATTHEW R. KAUFMANN**, a staff attorney of the Firm, received his JD/MBA from Temple University's Beasley School of Law and Fox School of Business, where he won the Terrence H. Klasky Memorial Award for outstanding achievement in banking, negotiable instrument, and consumer protection law. Mr. Kaufmann received his Bachelor of Science in Mathematics and Economics from Duke University. He is licensed to practice law in Pennsylvania, and concentrates his practice in the area of securities litigation.

**JOHN Q. KERRIGAN**, an associate of the Firm, received his J.D. in 2007 from the Temple University Beasley School of Law. Before joining the firm in 2009, he was an associate in the litigation department of Curtin and Heefner LLP in Morrisville, Pennsylvania. Mr. Kerrigan graduated Phi Beta Kappa from Johns Hopkins University and received an MA in English from Georgetown University. He is licensed to practice law in Pennsylvania and New Jersey and concentrates his practice in the areas of mergers and acquisitions and shareholder derivative actions.

**RICHARD KIM**, an associate in the Firm's Radnor office, received his undergraduate degree from Bucknell University, with a major in Finance. Mr. Kim received both his J.D. and M.B.A. from Rutgers School of Law – Camden.

During law school, Mr. Kim interned with the U.S. Securities and Exchange Commission's Philadelphia Regional Office. Following law school, he served as a law clerk to the Honorable Robert J. Mellon of the Court of Common Pleas, Bucks County, PA. Prior to joining the firm, Mr. Kim was a litigation associate with a Philadelphia, PA based firm.

Mr. Kim concentrates his practice on mergers and acquisition litigation and shareholder derivative litigation. He is admitted to practice law in both Pennsylvania and New Jersey.

**SHANNON O. LACK**, an associate of the Firm, received her law degree from the University of Pittsburgh School of Law and her undergraduate degree in International Relations and French from Bucknell University. While a law student, Ms. Lack served as a judicial clerk for the Honorable Max Baer of the Supreme Court of Pennsylvania. She also served as a Managing Editor of the University of Pittsburgh *Journal of Law and Commerce*. Ms. Lack has authored "Civil Rights for Trafficked Persons:

Recommendations for a More Effective Federal Civil Remedy,” University of Pittsburgh School of Law, *Journal of Law and Commerce*, Vol. 26 (2007). Ms. Lack is licensed to practice law in Pennsylvania and New Jersey. She concentrates her practice in the areas of ERISA and consumer protection litigation.

**MEREDITH LAMBERT**, an associate of the Firm, received her law degree in 2010 from Temple University Beasley School of Law, where she was an Associate Editor for the Temple International and Comparative Law Journal. Ms. Lambert earned a Bachelors of Arts degree in History and a Certificate of Proficiency in Spanish Language and Culture from Princeton University in 2006. While a law student, Ms. Lambert served as Judicial Extern to the Honorable Judge Leonard P. Stark of the U.S. District Court for the District of Delaware. Ms. Lambert is licensed to practice in Pennsylvania and concentrates her practice in the area of securities litigation.

**SETH A. LINEHAN**, a staff attorney of the Firm, received his law degree from the Widener University School of Law. Mr. Linehan received his Bachelor of Arts degree, magna cum laude, from Rider University. He served as law clerk to the Honorable Stephen B. Rubin, J.S.C., in both Somerset and Hunterdon Counties in New Jersey. Mr. Linehan is licensed to practice law in New Jersey and is admitted to practice before the United States District Court, District of New Jersey. He concentrates his practice in the area of securities litigation.

**DAN A. LOVIN**, a staff attorney of the Firm, received his law degree from Widener University School of Law in 2006. He received his undergraduate degree from Bucknell University.

Mr. Lovin is licensed to practice law in the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Court for the State of New Jersey. His concentration of practice is in securities litigation.

**JAMES A. MARO, JR.**, an associate of the Firm, received his law degree from the Villanova University School of Law in 2000. He received a B.A. in Political Science from the Johns Hopkins University in 1997. Mr. Maro is licensed to practice law in Pennsylvania and New Jersey and is admitted to practice in the United States District Court for the Eastern District of Pennsylvania. He concentrates his practice in the area of ERISA, antitrust and consumer protection and also has experience in the areas of mergers and acquisitions and shareholder derivative actions.

**KATRICE TAYLOR MATHURIN**, a staff attorney of the Firm, received her law degree from the University of Richmond School of Law. She received her undergraduate degree from The Johns Hopkins University. During law school, Ms. Mathurin practiced as an intern in the office of the United States Attorney for the Eastern District of Virginia, where she represented the United States in matters before the District Court. She also practiced in the University of Richmond Children’s Law Center Disability Clinic. Prior to joining Kessler Topaz, Ms. Mathurin practiced in the areas of real estate and construction litigation. Ms. Mathurin is licensed to practice law in Pennsylvania and concentrates in the area of securities litigation.

**NICHELE D. MAULTSBY-WILEY**, a staff attorney of the Firm, received her law degree from Villanova University School of Law, where she was a member of the Mock Trial Team. While a law student, Ms. Maultsby-Wiley served as a Judicial Extern to the Honorable J. Curtis Joyner of the United States District Court for the Eastern District of Pennsylvania. She received her Bachelor of Arts in Criminology and Criminal Justice from the University of Maryland-College Park.

Prior to joining Kessler Topaz, Ms. Maultsby-Wiley was a project attorney at Pepper Hamilton LLP in Philadelphia, where she worked in the health effects litigation practice group. Ms. Maultsby-Wiley is licensed to practice law in Pennsylvania and now concentrates her practice in the area of securities litigation.

**THOMAS S. MELLON**, a staff attorney at the Firm, received his law degree from Vermont Law School, cum laude. He received his Bachelor of Arts in History from Ohio Wesleyan University. Mr. Mellon is licensed to practice in Pennsylvania, and has been admitted to practice before the United States District Courts for the Eastern District and Middle District of Pennsylvania and the District of New Jersey as well as the U.S. Court of Appeals for the Third Circuit. He concentrates his practice in the area of securities litigation.

Prior to joining the Firm, Mr. Mellon practiced in the area of insurance defense litigation, with emphasis on general and professional liability, product liability, subrogation and coverage, representing individuals and businesses in both state and federal court.

**DAVID E. MILLER**, a staff attorney of the Firm, received his law degree from the Villanova School of Law, where he was an Associate Editor of the Villanova Sports and Entertainment Journal. Mr. Miller received his undergraduate degree, from Franklin and Marshall College, with a B.A. in Biological Foundations of Behavior, with a concentration in Neuroscience. Prior to joining Kessler Topaz, he worked in both pharmaceutical and construction litigation.

Mr. Miller is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey, and concentrates his practice in mergers and acquisition litigation and stockholder derivative litigation.

**JAMES H. MILLER**, an associate of the Firm, received his J.D. in 2005 from Villanova University School of Law, where he was enrolled in Villanova University's JD/MBA program. Mr. Miller received his Master of Business Administration from Villanova University in 2005, and received his Bachelor of Chemical Engineering from Villanova University in 2002. Mr. Miller is licensed to practice law in Pennsylvania and concentrates his practice in the areas of mergers and acquisitions and shareholder derivative actions.

**CASANDRA A. MURPHY**, an associate of the Firm, received her law degree from Widener University School of Law and her undergraduate from Gettysburg College. Prior to joining Kessler Topaz, Ms. Murphy was an associate at Post & Schell, P.C. where she practiced general casualty litigation. Ms. Murphy is licensed to practice in Pennsylvania and New Jersey, and has been admitted to practice before the United State District Court for the Eastern District of Pennsylvania. Ms. Murphy has lectured for the Pennsylvania Bar Institute and the Philadelphia Judicial Conference. She concentrates her practice in the areas of consumer protection, ERISA, pharmaceutical pricing and antitrust litigation.

**MICHELLE M. NEWCOMER**, an associate of the Firm, received her law degree from Villanova University School of Law in 2005. Ms. Newcomer received her undergraduate degrees in Finance and Art History from Loyola College in Maryland in 2002. Throughout her legal career, Ms. Newcomer has concentrated her practice in the area of securities litigation, representing individual and institutional investors and helping them to recover millions against corporate and executive defendants for violations of the federal securities laws. In this respect, Ms. Newcomer helped secure the following recoveries for investors: *In re Tenet Healthcare Corp. Sec. Litig.*, No. 02-8462 (C.D. Cal.) (settled – \$281.5 million); *In re Acclaim Entertainment, Inc. Sec. Litig.*, No. 2:03-CV-1270 (JS) (ETB) (E.D.N.Y.) (settled – \$13.65 million); *In re Zale Corp. Sec. Litig.*, No. 3:06-CV-01470-N (settled – \$5.9 million); and *In re Leadis Tech., Inc. Sec. Litig.*, No. C-05-0882-CRB (N.D. Cal.) (settled – \$4.2 million). Ms. Newcomer is also currently involved in several high profile securities fraud suits, including: *In re Lehman Brothers Sec. & ERISA Litig.*, No. 09 MD 2017 (LAK) (S.D.N.Y.) and *In re SemGroup Energy Partners, L.P. Sec. Litig.*, No. 08-MD-1989-GFK-FHM (N.D. Olka.).

Ms. Newcomer is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey and has been admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the Ninth and Tenth Circuits, and the United States District Court for the District of New Jersey.

**WILLIAM F. O'SHEA, III**, a staff attorney of the Firm, received his law degree from the Villanova University School of Law in 1998 and received his undergraduate degree in English from Villanova University in 1991. During law school, Mr. O'Shea was a member of the Northeast Regional Champion team in the Philip C. Jessup International Moot Court Competition.

Prior to joining the Firm, Mr. O'Shea practiced in the areas of commercial litigation and business transactions, representing a broad range of clients, including individuals, entrepreneurs, financial institutions, Fortune 500 corporations and major league sports teams, and has experience dealing with various municipal, state, federal and international governmental entities and regulatory agencies. Mr. O'Shea is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. Mr. O'Shea concentrates his practice in the area of securities litigation.

**TINU OSINUPEBI**, a staff attorney at the Firm, received her law degree from Temple University Beasley School of Law as well as a LLM in Taxation. While a law student, Ms. Osinubebi served as a judicial clerk to the Honorable Sandy LV Bryd and the Honorable Lydia Kirkland both of the First Judicial District Court of Pennsylvania. She received her Bachelor of Arts in Environmental Science and Policy with a minor in Geology, from Duke University.

Prior to joining Kessler Topaz, Ms. Osinubebi was a project attorney at Pepper Hamilton LLP in Philadelphia, where she worked in the pharmaceutical products liability litigation practice group. Ms. Osinubebi is licensed to practice law in Pennsylvania and New Jersey and concentrates her practice in the area of securities litigation.

**JENNA M. PELLECCIA**, an associate of the Firm, received her law degree, cum laude, from Villanova University School of Law in 2010 and her undergraduate degrees in Physics and Mathematics from Duke University in 2007. Ms. Pelleccia is licensed to practice law in Pennsylvania and New Jersey. She concentrates her practice in the areas of Intellectual Property law and Patent Litigation.

**ERIK PETERSON**, an associate in the Firm's San Francisco office, received his Bachelor of Arts from James Madison University and his Master of Public Administration, concentrating in public finance, with honors, from the University of Kentucky. Mr. Peterson graduated cum laude from the University of Kentucky College of Law, where he was Editor-in-Chief of the *Journal of Natural Resources and Environmental Law*. There he received the CALI Award in Federal Taxation and authored Navigating the Waters of Informational Standing in *American Canoe Ass'n, Inc. v. City of Louisa*, 20 J. Nat. Resources & Env'tl. L. 291 (2006).

During law school, Mr. Peterson served as Judicial Intern to United States District Court Judge T.S. Ellis, III, Eastern District of Virginia. Following law school, Mr. Peterson served as Law Clerk to United States District Court Judge Gregory F. Van Tatenhove, Eastern District of Kentucky. Prior to joining the firm, Mr. Peterson was associated with Coughlin Stoia Geller Rudman & Robbins LLP in San Diego, California.

Mr. Peterson concentrates his practice on prosecuting securities class actions. He is licensed to practice in California and Kentucky and is admitted to practice before all United States District Courts in California, as well as the United States Court of Appeals for the Sixth Circuit, and is also a member of the Firm's lead plaintiff litigation practice group.

**ALESSANDRA C. PHILLIPS**, an associate of the Firm, focuses on securities litigation. She has represented investors in major securities fraud litigation including financial frauds involving Alstom SA, Bank of America, and Medtronic, Inc. Ms. Phillips has also represented shareholders in derivative and direct shareholder litigation in the Delaware Court of Chancery and in other state courts around the

country. Prior to joining the firm, Ms. Phillips was associated with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A.

Ms. Phillips received her law degree from the Temple University Beasley School of Law, where she served as treasurer for the Moot Court Honor Society and was a member of Temple's National Trial Team. She was awarded the school's Victor A. Jaczun Award for Excellence in Trial Advocacy. She received her undergraduate degree in Humanities from Yale University in 1996, with distinction in the major.

Ms. Phillips is admitted to practice before the state courts of Pennsylvania, Delaware, and New Jersey, and in the U.S. District Courts for the Eastern District of Pennsylvania and the District of New Jersey.

**TIMM O. PHOEBE**, a staff attorney at the Firm, received his law degree from Duquesne University in Pittsburgh, PA and his undergraduate degree from the University of Pittsburgh. Mr. Phoebe is licensed to practice law in the Commonwealth of Pennsylvania and is admitted to practice before the U.S. District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Eleventh Circuit.

Mr. Phoebe's previous experience includes litigation practice for special counsel to American Nuclear Insurers representing nuclear utilities across the nation in claims based upon allegations of injuries arising from exposure to ionizing radiation. Mr. Phoebe has participated in the litigation of many high profile cases including *In Re Three Mile Island*, 67 F.3d 1103 (3<sup>rd</sup> Cir. 1995), *O'Connor v. Commonwealth Edison*, 13 F.3d 1090 (7<sup>th</sup> Cir. 1994), *Landry v. Florida Power & Light*, 998 F. 2d 1021 (11<sup>th</sup> Cir. 1993), and *Whiting v. Boston Edison Co.*, 891 F. Supp. 12 (Dist. Court, D. Massachusetts 1995). Mr. Phoebe has had further experience in criminal litigation, having been an Assistant Public Defender in Chester County, PA.

Prior to his law career, Mr. Phoebe worked for the nuclear industry in reactor operations and health physics. He is a veteran of both the U.S. Navy and Army.

**R. MATTHEW PLONA**, a staff attorney at the Firm, received his law degree from Villanova University School of Law, where he was Student Editor of the Journal of Law and Investment Management. Mr. Plona received his Bachelor of Arts degree, cum laude, from John Carroll University. He holds a Master's degree in Urban Affairs from St. Louis University and a Master's degree in City Planning from the University of Pennsylvania. Prior to joining Kessler Topaz he worked in complex civil litigation at Kline & Specter and as a sole practitioner. He is licensed to practice law in Pennsylvania and New Jersey and before the United States District Court for the District of New Jersey and the Eastern District of Pennsylvania. Mr. Plona concentrates his practice in the area of securities litigation.

**DAVID PROMISLOFF**, an associate of the Firm, received his law degree from the University of Michigan in 2005. While in law school, he served as an associate editor of the *Michigan Telecommunications and Technology Law Review*. Mr. Promisloff received his undergraduate degree from Emory University in 2002, double majoring in political science and history. Mr. Promisloff is licensed to practice in Pennsylvania, and works in the Firm's case development department.

**JUSTIN O. RELIFORD**, an associate of the Firm, concentrates his practice on mergers and acquisition litigation and shareholder derivative litigation. Mr. Reliford graduated from the University of Pennsylvania Law School in 2007. While earning his J.D., Mr. Reliford was a member of the University of Pennsylvania Mock Trial Team and a member of the Kedy Cup Moot Court Board. Mr. Reliford received his B.A. from Williams College in 2003, majoring in Psychology with a concentration in Leadership Studies. Prior to joining the firm, Mr. Reliford was an associate in the labor and employment practice group of Morgan Lewis & Bockius, LLP. There, Mr. Reliford concentrated his practice on

employee benefits, fiduciary, and workplace discrimination litigation. Mr. Reliford has extensive experience representing clients in connection with nationwide class and collective actions.

Mr. Reliford is a member of the Pennsylvania and New Jersey bars, and he is admitted to practice in the Third Circuit Court of Appeals, the Eastern District of Pennsylvania, and the District of New Jersey.

**C. PATRICK RENEGAR**, a staff attorney at the Firm, received his law degree from Widener University School of Law in Wilmington, Delaware. Mr. Renegar received his Bachelor of Arts degree in Political Science from Widener University in Chester, Pennsylvania. Prior to joining Kessler Topaz, he worked in pharmaceutical and securities litigation.

Mr. Renegar is licensed to practice Law in the Commonwealth of Pennsylvania and the State of New Jersey. Mr. Renegar concentrates his practice in the area of securities litigation.

**KRISTEN L. ROSS**, an associate of the Firm, concentrates her practice in shareholder derivative actions. Ms. Ross received her J.D., with honors, from the George Washington University Law School, and B.A., *magna cum laude*, from Saint Joseph's University, with a major in Economics and minors in International Relations and Business.

Ms. Ross is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Courts for the District of New Jersey and the Eastern District of Pennsylvania. Prior to joining Kessler Topaz, Ms. Ross was an associate at Ballard Spahr LLP, where she focused her practice in commercial litigation, particularly foreclosure and bankruptcy proceedings. She also has experience in commercial real estate transactions. During law school, Ms. Ross served as an intern with the United States Attorney's Office for the Eastern District of Pennsylvania.

**ALLYSON M. ROSSEEL**, a staff attorney of the Firm, received her law degree from Widener University School of Law. She earned her B.A. in Political Science from Widener University and is licensed to practice law in Pennsylvania and New Jersey.

Prior to joining the Firm, Ms. Rosseel was employed as general counsel for a boutique insurance consultancy/brokerage focused on life insurance sales, premium finance and structured settlements. She concentrates her practice at Kessler Topaz in the area of securities litigation.

**RICHARD A. RUSSO, JR.**, an associate of the Firm, received his J.D. from the Temple University Beasley School of Law, cum laude, where he was a member of the *Temple Law Review*. Mr. Russo received his Bachelor of Science in Business Administration, cum laude, from Villanova University. He is licensed to practice law in Pennsylvania and New Jersey, and concentrates his practice in the area of securities litigation.

**JOSHUA C. SCHUMACHER**, an associate of the Firm, received his undergraduate degree in Politics & Government from George Mason University, and his Juris Doctor degree, cum laude, from Case Western Reserve University. Mr. Schumacher concentrates his practice in the areas of ERISA and consumer protection litigation.

Prior to joining Kessler Topaz, Mr. Schumacher practiced with the Philadelphia law firms of Berger & Montague, P.C. and Duane Morris LLP, where he litigated numerous individual and class cases on behalf of major institutional and corporate clients. Mr. Schumacher is admitted to practice law in the Commonwealth of Pennsylvania and before the United States District Court for the Eastern District of Pennsylvania, and has been admitted *pro hac vice* before numerous other state and federal courts.

Mr. Schumacher has litigated numerous successful actions involving significant recoveries on behalf of aggrieved individuals and investors, including *In re CIGNA Corp. Securities Litigation* (\$93M recovery),



*In re Sepracor Securities Litigation* (\$52.5M recovery) and *Ginsburg v. Philadelphia Stock Exchange, Inc.* (\$99M recovery). Mr. Schumacher has also represented a large state government in various civil enforcement proceedings against predatory and so-called “pay day” lenders. In addition, Mr. Schumacher has represented several Fortune 500 companies in wide reaching federal and state litigation, including federal multi-district litigation, employer non-compete clauses, and trademark infringement issues.

**TRACEY A. SHREVE**, a staff attorney of the Firm, earned her Economics degree from Syracuse University where she was recognized as an International Scholar. Ms. Shreve received her law degree from California Western School of Law and was a member of the Pro Bono Honor Society. She is licensed to practice law in Pennsylvania and has been admitted to practice before the United States Supreme Court. Prior to joining Kessler Topaz, Ms. Shreve worked at a boutique litigation firm located in Center City Philadelphia, and worked as an Assistant Public Defender in Lehigh County. She now concentrates her practice in the area of ERISA and consumer rights.

**JULIE SIEBERT-JOHNSON**, an associate of the Firm, received her law degree from Villanova University School of Law in 2008. She graduated cum laude from the University of Pennsylvania in 2003. Ms. Siebert-Johnson is licensed to practice law in Pennsylvania and New Jersey. She concentrates her practice in the area of ERISA and consumer protection litigation.

**CATHLEEN R. SMITH**, a staff attorney of the Firm, received her law degree from Emory University, where she served as a Managing Editor on the Emory International Law Review. She earned her B.S. degree, cum laude, in International Business with minors in Spanish and Law & Justice from The College of New Jersey.

As a law student, Ms. Smith completed internships for the U.S. Attorney’s Office for the Middle District of Florida, the Philadelphia District Attorney’s Office and the Federal Aviation Administration. She was awarded a Commendation for Excellence for her performance during Emory’s award-winning Trial Techniques program.

Prior to joining Kessler Topaz, Ms. Smith was a Staff Attorney at Dechert, LLP in Philadelphia, where she practiced in the areas of anti-trust, white collar crime and products liability. Ms. Smith is licensed to practice law in Pennsylvania and New Jersey. She concentrates her practice at Kessler Topaz in securities litigation.

**IOANA A. STANESCU**, a staff attorney in the Firm’s San Francisco office, received her law degree from the University of San Francisco School of Law. She received her Bachelor of Science in Economics from Duke University. Ms. Stanescu is licensed to practice law in California and concentrates her practice in the area of securities litigation.

**JULIE SWERDLOFF**, a staff attorney of the Firm, received her undergraduate degree in Real Estate and Business Law from The Pennsylvania State University and received her law degree from Widener University School of Law. While attending law school, she interned as a judicial clerk for the Honorable James R. Melinson of the United States District Court for the Eastern District of Pennsylvania. She is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey.

Prior to joining Kessler Topaz, Ms. Swerdloff managed environmental claims litigation for a Philadelphia-based insurance company and prior to that was an associate at a general practice firm in Montgomery County, PA. At Kessler Topaz, she has been involved in the Firm’s derivative and securities class action cases, including the historic Tyco case (*In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled -- \$3.2 billion)) and many options backdating cases. Currently she concentrates her practice in federal and state wage and hour litigation.



**MEGHAN TIGHE**, a staff attorney of the Firm, received her law degree from Tulane University School of Law and has a L.L.M. in taxation from Villanova University. She received her undergraduate degree, with distinction, from the Eller College of Business at The University of Arizona. She is currently completing her L.L.M in Taxation at Villanova University.

Ms. Tighe is licensed to practice law in Pennsylvania and New Jersey and concentrates her practice in the area of securities litigation.

**ALEXANDRA H. TOMICH**, a staff attorney of the Firm, received her law degree from Temple Law School and her undergraduate degree, from Columbia University, with a B.A. in English. She is licensed to practice law in Pennsylvania.

Prior to joining Kessler Topaz, she worked as an associate at Trujillo, Rodriguez, and Richards, LLC in Philadelphia. Ms. Tomich volunteers as an advocate for children through the Support Center for Child Advocates in Philadelphia and at Philadelphia VIP. She concentrates her practice in the area of securities litigation.

**AMANDA R. TRASK**, an associate of the Firm, received her law degree from Harvard Law School and her undergraduate degree, cum laude, from Bryn Mawr College, with honors in Anthropology. She is licensed to practice law in Pennsylvania and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Prior to joining Kessler Topaz, she worked as an associate at a Philadelphia law firm where she represented defendants in consumer product litigation. Ms. Trask has served as an advocate for children with disabilities and their parents and taught special education law. She currently serves on the Board of the Bryn Mawr College Club of Philadelphia. She concentrates her practice in the areas of ERISA, consumer protection and stockholder derivative actions.

**NEENA VERMA**, an associate of the Firm, received her law degree, magna cum laude, from Rutgers School of Law – Camden, where she was the Executive Editor of the Rutgers Journal of Law and Public Policy. While a law student, Ms. Verma served as a Judicial Extern to the Honorable Barry T. Albin of the New Jersey Supreme Court and as a Judicial Pupil at the United Kingdom Information Tribunal. She earned dual degrees, cum laude, at the University of Pennsylvania, receiving a Bachelor of Arts in Architecture and a Bachelor of Science in Economics from the Wharton School. Ms. Verma is licensed to practice in the District of Columbia, New Jersey and Pennsylvania and concentrates her practice in the area of securities litigation.

**MEGHAN L. WARD**, a staff attorney of the Firm, received her law degree from the Widener University School of Law in Delaware and her undergraduate degree in International Affairs from The George Washington University, in Washington, D.C.

Ms. Ward is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey. She concentrates her practice in the area of securities litigation.

**ZAKIYA WASHINGTON**, a staff attorney at the Firm, received her law degree from Temple University Beasley School of Law in Pennsylvania and her Bachelor of Science degree in Entrepreneurship from Hampton University in Virginia. Prior to joining Kessler Topaz, she worked in pharmaceutical and anti-trust litigation. She is licensed to practice law in the Commonwealth of Pennsylvania. Ms. Washington concentrates her practice in the area of securities litigation.

**DAVID F. WATKINS JR.**, a staff attorney of the Firm, received his law degree, with honors, from Rutgers University School of Law-Camden, where he served as Business Editor of the Rutgers Journal of

Law and Urban Policy. Mr. Watkins received his Bachelor of Science in Finance from West Chester University of Pennsylvania.

Prior to joining Kessler Topaz, Mr. Watkins worked at a Philadelphia area law firm where he represented Fortune 100 and regionally based clients in United States District Courts across the country in connection with commercial transportation matters. He also worked at a boutique Philadelphia law firm where he practiced in the areas of antitrust and other complex litigation.

Mr. Watkins is admitted to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. He concentrates his practice at Kessler Topaz in the area of securities litigation.

**JOSEPH A. WEEDEN**, an associate of the Firm, received his law degree from the University of North Carolina School of Law, where he received the Gressman-Politt Award for outstanding oral advocacy. Mr. Weeden also received his undergraduate degree from the University of North Carolina at Chapel Hill, where he was a Joseph E. Pogue Scholar. Prior to joining the firm, Mr. Weeden was an associate at Kaufman & Canoles, P.C., where he practiced in the areas of commercial and business law. Mr. Weeden is licensed to practice law in Virginia, and concentrates his practice in the area of ERISA and consumer protection litigation.

**KURT WEILER**, a staff attorney of the Firm, received his law degree from Duquesne University School of Law, where he was a member of the Moot Court Board and McArdle Wall Honoree. He received his undergraduate degree from the University of Pennsylvania.

Prior to joining Kessler Topaz, Mr. Weiler was associate corporate counsel for a Philadelphia-based mortgage company, where he specialized in the area of foreclosures and bankruptcy. Mr. Weiler is licensed to practice law in Pennsylvania and currently concentrates his practice in the area of securities litigation.

**ERIC K. YOUNG**, a staff attorney of the Firm, received his law degree, magna cum laude, from New York Law School where he served as a member of the New York Law School Law Review. He earned his B.A. degree, cum laude, from Hofstra University where he majored in Film Studies and Production. He is licensed to practice law in the Commonwealth of Pennsylvania.

Prior to joining Kessler Topaz, Mr. Young was a Staff Attorney at the Philadelphia law firm Dechert LLP where he practiced in the areas of antitrust and white collar crime. He concentrates his practice at Kessler Topaz in securities litigation.

**DIANA J. ZINSER**, a staff attorney of the Firm, received her J.D. from Temple University Beasley School of Law in 2006. She received her B.A., *cum laude*, in political science with a minor in economics from Saint Joseph's University in 2003 and was a member of the Phi Beta Kappa honor society.

Prior to joining the firm, Ms. Zinser was a project attorney at Pepper Hamilton LLP in Philadelphia, where she worked in the health effects litigation practice group. Ms. Zinser is licensed to practice law in Pennsylvania, and concentrates her practice in the area of consumer protection, ERISA, pharmaceutical pricing and antitrust litigation.

## OF COUNSEL

**ANDREW L. BARROWAY**, Senior Counsel to the Firm, received his law degree from the University of Pennsylvania Law School, where he was a member of the ABA Negotiation team. He is licensed to

practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Mr. Barroway formerly lectured on securities class action and lead plaintiff issues, and spoke at the 2005 Institutional Investor Hedge Fund Workshop in New York City and the Public Funds Summit 2005 in Phoenix, Arizona. Mr. Barroway played pivotal roles in the resolutions of *In re The Interpublic Group of Companies Sec. Litig.*, No. 02Civ. 6527 (S.D.N.Y. 2002) (settled – approximately \$107 million); *In re Digital Lightwave, Inc. Sec. Litig.*, Consolidated Case No. 98-152-CIV-T-24E (M.D. Fla. 1999) (settled - \$170 million); *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled - \$3.2 billion); and *Kaltman, et al. v Key Energy Services, Inc., et al.*, No. 04-CV-082-RAJ (W.D. Tex. 2004) (settled - \$15.425 million).

**DONNA SIEGEL MOFFA**, Of Counsel to the Firm, received her law degree, with honors, from Georgetown University Law Center in May 1982. She received her undergraduate degree, cum laude, from Mount Holyoke College in Massachusetts. Ms. Siegel Moffa is admitted to practice before the Third Circuit Court of Appeals, the United States Courts for the District of New Jersey and the District of Columbia, as well as the Supreme Court of New Jersey and the District of Columbia Court of Appeals. Prior to joining the firm, Ms. Siegel Moffa was a member of the law firm of Trujillo, Rodriguez & Richards, LLC, where she litigated, and served as co-lead counsel, in complex class actions arising under federal and state consumer protection statutes, lending laws and laws governing contracts and employee compensation. Prior to entering private practice, Ms. Siegel Moffa worked at both the Federal Energy Regulatory Commission (FERC) and the Federal Trade Commission (FTC). At the FTC, she prosecuted cases involving allegations of deceptive and unsubstantiated advertising. In addition, both at FERC and the FTC, Ms. Siegel Moffa was involved in a wide range of administrative and regulatory issues including labeling and marketing claims, compliance, FOIA and disclosure obligations, employment matters, licensing and rulemaking proceedings.

Ms. Siegel Moffa continues to concentrate her practice in the area of consumer protection litigation. She served as co-lead counsel for the class in *Robinson v. Thorn Americas, Inc.*, L-03697-94 (Law Div. 1995), a case that resulted in a significant monetary recovery for consumers and changes to rent-to-own contracts in New Jersey. Ms. Siegel Moffa was also counsel in *Muhammad v. County Bank of Rehoboth Beach, Delaware*, 189 N.J. 1 (2006), U.S. Sup. Ct. cert. denied, 127 S. Ct. 2032(2007), in which the New Jersey Supreme Court struck a class action ban in a consumer arbitration contract. She has served as class counsel representing consumers pressing TILA claims, e.g. *Cannon v. Cherry Hill Toyota, Inc.*, 184 F.R.D. 540 (D.N.J. 1999), and *Dal Ponte v. Am. Mortg. Express Corp.*, CV- 04-2152 (D.N.J. 2006), and has pursued a wide variety of claims that impact consumers and individuals including those involving predatory and sub-prime lending, mandatory arbitration clauses, price fixing, improper medical billing practices, the marketing of light cigarettes and employee compensation. Ms. Siegel Moffa's practice has involved significant appellate work representing individuals, classes, and non-profit organizations participating as amicus curiae, such as the National Consumer Law Center and the AARP. In addition, Ms. Siegel Moffa has regularly addressed consumer protection and litigation issues in presentations to organizations and professional associations. Ms. Siegel Moffa is a member of the New Jersey State Bar Association, the Camden County Bar Association, the District of Columbia Bar Association, the National Association of Consumer Advocates and the Public Justice Foundation.

## CONSULTANTS

**KEVIN P. CAULEY** serves as an institutional liaison at the Firm. Mr. Cauley has extensive experience working with public and Taft-Hartley pension funds regarding their rights and responsibilities with respect to their investments and purchases and taking an active role in shareholder and consumer litigation. In addition, Mr. Cauley assists clients in evaluating what systems they have in place to identify and monitor shareholder and consumer litigation that has an effect on their funds, and also assists them in evaluating the strength of such cases and to what extent they may be affected by alleged misconduct.

Mr. Cauley, a graduate of Temple University, also has prior experience at a multi-family office, in institutional fiduciary investment consulting, money manager selection, best trade executions, and asset allocation modeling. He has held the Series 7, 24, 63, and 65 licenses with the NASD. Mr. Cauley has also done political consulting in coordinating and directing various aspects of field operations for local, state, and national campaigns in Southeastern Pennsylvania. He has attended the University of Pennsylvania's Wharton Executive Education Program and is a graduate of the Federal Bureau of Investigation's Citizens Academy. He also serves on the Philadelphia Committee of the Marine Corps Law Enforcement Foundation, and is also an active member of The Pennsylvania Future Fund, A.O.H. Division 88 "Officer Danny Boyle Chapter," The Clover Club of Philadelphia, The Foreign Policy Research Institute, and is an elected member to The Pennsylvania Society and The Union League of Philadelphia, where he serves on the Armed Services Committee.

**PETER KRANEVELD**, an advisor to the Firm, works with Kessler Topaz to analyze and evaluate corporate governance issues, shareholder rights and activism and how these fit into the interests of the Firm's large international client base of pension funds and other institutional investors. An economist by training, Mr. Kraneveld has a long history of working with pension funds and other institutional shareholders. He recently completed an eight year stint working with Dutch pension fund PGGM, a public pension fund for the healthcare sector in the Netherlands, and one of the largest pension funds in Europe. Mr. Kraneveld's last three years at PGGM were spent as a Special Advisor for International Affairs where his main responsibilities included setting up a network among national and international lobbying organizations, domestic and foreign pension funds and international civil servants and using it to promote the interests of the pension fund industry. Mr. Kraneveld served as Chief Economist for PGGM's Investments Directorate from 1999 until 2004 where his accomplishments included the Tactical Asset Allocation process and designing alternative scenarios for Asset Liability Management. Prior to his work with PGGM, Mr. Kraneveld worked with the Organisation for Economic Co-operation and Development (OECD) and the Dutch Ministry of Economic Affairs.

**DAVID RABBINER** serves as Kessler Topaz's Director of Investigative Services and leads investigations necessary to further and strengthen the Firm's class action litigation efforts. Although his investigative services are primarily devoted to securities matters, Mr. Rabbiner routinely provides litigation support, conducts due diligence, and lends general investigative expertise and assistance to the Firm's other class action practice areas. Mr. Rabbiner plays an integral role on the Firm's legal team, providing critical investigative services to obtain evidence and information to help ensure a successful litigation outcome. Before joining Kessler Topaz, Mr. Rabbiner enjoyed a broad based, successful career as an FBI Special Agent, including service as an Assistant Special Agent in Charge, overseeing multiple criminal programs, in one of the Bureau's largest field offices. He holds an A.B. in English Language and Literature from the University of Michigan and a Juris Doctor from the University of Miami School of Law.